

## Relevant Information for Central Sydney Planning Committee

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**FILE:** D/2019/976 **DATE:** 25 June 2020

**TO:** The Central Sydney Planning Committee

**FROM:** Graham Jahn AM, Director City Planning, Development and Transport

**SUBJECT:** Information Relevant To Item 10 – Development Application: 94-104 Epsom Road, Zetland – D/2019/976

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### Alternative Recommendation

It is resolved that:

- (A) the variations requested to Clauses 4.3 'Height of Building' and 4.4 'Floor Space Ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (B) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances; and
- (C) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No D/2019/976, subject to the conditions detailed in Attachment B to the subject report to the Central Sydney Planning Committee on 25 June 2020, subject to the amendments shown at Attachment A to the subject Information Relevant To Memorandum (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~).

### Background

On 22 June 2020, the applicant sent correspondence (see Attachment B to this memo) to Council's planning officers requesting that several of the recommended conditions of consent be modified to facilitate the commencement of works upon determination of the application.

The requested modifications and Council's officer's comments are summarised in the table below.

Note the requested modifications that are supported do not alter the substance of those conditions arising from the independent assessment at Attachment A to the subject report to the Central Sydney Planning Committee on 25 June 2020.

No.	Requested Modification	Supported / Not Supported
2(e)	<p>DESIGN MODIFICATIONS</p> <p><i>Delete this condition. Colours and design details are provided on the submitted plans.</i></p>	<p>Not supported.</p> <p>As is addressed at paragraph 144 of the Independent Assessment Report, the colours and materials of the competitive design process winning scheme were considered by the Selection Panel to be integral to the winning design and were to be retained in the detailed design DA scheme. The detailed design DA scheme incorporates a different palette of colours and materials.</p> <p>The requested modification of the condition is not supported. However, it is recommended that the condition is modified to require the amended schedule of colours and materials to be submitted and approved prior to issue of a Construction Certificate for above ground works.</p>
2(f)	<p>DESIGN MODIFICATIONS</p> <p><i>Delete this condition. Any requirement for a music room should have been sought during the design competition and excluded from floor space calculations.</i></p>	<p>Not Supported.</p> <p>It was sought prior to the design competition. Being a large residential complex, in mid-September 2018, Meriton was requested to include a small sound isolated music practice rooms which doubles as common meeting rooms for the strata plans. This enables residents including children a place to practice musical instruments while apartment living. Many City developments include this. Although Meriton has agreed in other developments, on this occasion refused to include it in the brief. Rather than hold up the competition, the brief was released.</p>

No.	Requested Modification	Supported / Not Supported
3	<p>DESIGN MODIFICATIONS – PLENUM DESIGN</p> <p><i>As the information required to be submitted to satisfy the condition does not affect any works below ground level it is requested that the condition be modified to require the information is to be submitted and approved prior to above ground works.</i></p>	<p>Supported.</p> <p>Modification of the condition so that the required information is to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate for above ground works is supported.</p>
4	<p>DESIGN MODIFICATIONS – LANDSCAPING</p> <p><i>As the information required to be submitted to satisfy the condition does not affect any works above ground level it is requested that the condition be modified to require the information is to be submitted and approved prior to issue of a Construction Certificate for final fit out works.</i></p>	<p>Not supported.</p> <p>As is addressed at paragraph 217 of the Independent Assessment Report, the condition requires the reconfiguration of rooftop plant and communal open space areas.</p> <p>This will require redesign of rooftop areas including rooftop structures, services and drainage for green roofs. It is necessary for this to be resolved prior to issue of a Construction Certificate for above ground works.</p> <p>It is recommended that the condition is modified to require an amended design to be submitted and approved prior to issue of a Construction Certificate for above ground works.</p>
5	<p>DESIGN MODIFICATIONS – TREE MANAGEMENT</p> <p><i>Delete this condition. Compliance with this condition may require a total redesign which is unacceptable. The condition should only require the protection of trees during construction. No such similar condition was imposed on the development consent for 811 Elizabeth Street, Zetland (D/2019/258).</i></p>	<p>Not supported.</p> <p>An arboricultural assessment of the encroachment of the roots of street trees into the site was requested during the assessment of the subject and associated early works DAs (D/2019/976 and D/2019/1159). Information submitted in response to these requests did not satisfactorily address Council's requirements.</p>

No.	Requested Modification	Supported / Not Supported
7(a)(i)	<p>DESIGN QUALITY EXCELLENCE</p> <p><i>Delete references to contract documentation. Architects are not involved with contracts as they are sensitive business details.</i></p>	<p>Not supported.</p> <p>The same condition was imposed on the development consent for 811 Elizabeth Street, Zetland (D/2019/258) as it is for all DAs that go through a competitive design process. This is to ensure the winning architect is directly involved in all aspects of the development to completion of the project.</p>
10(b)	<p>PUBLIC ART</p> <p><i>The development consent for 811 Elizabeth Street, Zetland (D/2019/258) was modified (by a s4.55 application) to require final details of the proposed public artwork to be submitted prior to issue of a Construction Certificate for fit out works. It is requested that the same modification be made to the subject condition for consistency and given the time it takes to get public art approved.</i></p>	<p>Not supported.</p> <p>The proposed modifications would potentially reduce opportunities for the integration of public art into the built form and may affect its relationship with the public domain design. Such modifications should be subject to proper consideration through a s4.55 application as was the case with the modification of the development consent for 811 Elizabeth Street, Zetland (D/2019/258).</p>
10(c)	<p>PUBLIC ART</p> <p><i>The development consent for 811 Elizabeth Street, Zetland (D/2019/258) was modified (by a s4.55 application) to require that public art was installed prior to the issue of the first Occupation Certificate for the last building within the development. It is requested that the same modification be made to the subject condition for consistency and given the time it takes to get public art approved.</i></p>	<p>Not supported.</p> <p>The proposed modifications are considered to be premature as it is not currently known where public art is to be located and which may result in a missed opportunity for the integration of public art in the best location for the development. Such modifications should be subject to proper consideration through a s4.55 application as was the case with the modification of the development consent for 811 Elizabeth Street, Zetland (D/2019/258).</p>

No.	Requested Modification	Supported / Not Supported
11	<p>WASTE AND RECYCLING MANAGEMENT</p> <p><i>A Waste Management Plan was submitted. Why are we having to get approval again? Do we comply?</i></p>	<p>N/A</p> <p>As is addressed in the planning compliance table for DCP provision 4.2.6 on pages 71 to 72 of the Independent Assessment Report, the submitted Waste Management Plan does not satisfy the relevant requirements.</p>
13(a)	<p>EXPLORATORY ROOT INVESTIGATIONS</p> <p><i>It is requested that the condition be modified to require the information is to be submitted and approved prior to issue of a Construction Certificate for a shoring wall along the Epsom Road frontage.</i></p>	<p>Partly supported.</p> <p>It is recommended that the condition is amended to align with the more specific timing requirements of Condition (5) Design Modifications – Tree Management, which is for the required information to be submitted prior to any works commencing within the structural root zone (SRZ) of specified street trees adjacent to the existing property boundary with Epsom Road.</p>
20(a)	<p>STREET TREE PLANTING AND MAINTENANCE</p> <p><i>It is requested that the condition be modified to require the information is to be submitted and approved prior to issue of a Construction Certificate for the public domain.</i></p>	<p>Supported.</p> <p>This condition sets out requirements for new street tree plantings to be incorporated into the Public Domain Plan. While this condition requires the Public Domain Plan to be submitted and approved prior to issue of a Construction Certificate, Condition (121) Public Domain Plan, requires the public domain plan to be submitted and approved prior to issue of a Construction Certificate for the public domain or above ground building work, whichever is later.</p> <p>Proposed modifications to align the timing requirements of this condition with condition (121) are supported.</p>

No.	Requested Modification	Supported / Not Supported
21	<p>SECTION 7.11 CONTRIBUTIONS PAYABLE</p> <p><i>It is requested that the condition be modified to allow for payment to be made in instalments prior to issue of each Occupation Certificate. The conditions should be modified as requested given the COVID-19 pressure on financing projects and the State Government's clear guidance on this matter.</i></p>	<p>Not supported.</p> <p>The City of Sydney Contributions Plan 2015 clearly states that contributions are to be paid prior to issue of a Construction Certificate and makes no provision for staging of payments.</p> <p>Staff are aware that the Minister may be considering a Direction which may have the effect of deferring contribution payments for development consents. The City has a number of concerns about deferring contributions regarding delays to the delivery of local infrastructure and risks of contributions not being received.</p>
27	<p>LOADING DOCK MANAGEMENT PLAN</p> <p><i>It is requested that the condition be modified to allow for the loading dock management plan to be submitted and approved prior to issue of an Occupation Certificate as it is not related to construction.</i></p>	<p>Supported.</p> <p>Agreed, the loading dock management plan can be submitted and approved prior to issue of an Occupation Certificate without affecting construction.</p>
34	<p>ASSOCIATED ROADWAY COSTS</p> <p><i>It is requested that the condition be modified to reflect the terms of the VPA which states that all road construction is at the cost of Council.</i></p>	<p>Not supported.</p> <p>This is a standard condition that provides for any unforeseen road design / signage changes that come out of the detailed approval for road construction. It is considered premature to modify the condition as requested until the detailed road design has been prepared.</p>

No.	Requested Modification	Supported / Not Supported
35(b)	<p>BICYCLE PARKING AND END OF TRIP FACILITIES</p> <p><i>The development consent for 811 Elizabeth Street, Zetland (D/2019/258) was modified (by a s4.55 application) to require that the bicycle facilities design was to be submitted and approved prior to issue of the Construction Certificate for above ground works. It is requested that the condition is modified to require that the bicycle facilities design be submitted and approved prior to issue of the Occupation Certificate for the first building.</i></p>	<p>Partly supported.</p> <p>As bicycle parking is proposed at basement and ground levels it is recommended that the condition be modified to require the bicycle facilities design to be submitted and approved prior to issue of any Construction Certificate for the basement or ground level fit out, whichever is the earlier.</p>
43 and 44	<p>TRAFFIC WORKS and USE – SEPARATE DA REQUIRED</p> <p><i>Typographical error should be corrected.</i></p>	<p>Supported.</p> <p>Agreed, modifications for formatting errors to be corrected so these two conditions are separated.</p>
52(d)	<p>COMPLIANCE WITH THE ACOUSTIC REPORT</p> <p><i>It is requested that the condition be modified for the required information to be submitted and approved prior to issue of the Construction Certificate for fit out of the building that is next to Gunyama Park. This is because acoustic requirements do not relate to the structure of the building and only relates to the units directly facing the park.</i></p>	<p>Not supported.</p> <p>An assessment of impacts of plant noise and the use of Gunyama Park on the future intended occupants was requested during the assessment of DA. Information submitted in response to these requests did not satisfactorily address Council's requirements. The findings of the acoustic assessment may result in changes to facade construction. It is not agreed that the acoustic assessment only has implications for fitout requirements.</p>

No.	Requested Modification	Supported / Not Supported
53	<p>DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN</p> <p><i>It is requested that the condition be modified for the required information to be submitted and approved prior to issue of the Construction Certificate for the basement. Council should already have a Demolition and Construction Noise Plan for the demolition and excavation of the site approved under the Gunyama Park and Aquatic Centre consent (D/2016/824) and as submitted under the early works DA (D/2019/1159).</i></p>	<p>Not supported.</p> <p>The proposed development involves excavation on the site beyond that approved by the Gunyama Park and Aquatic Centre consent (D/2016/824). A Demolition and Construction Noise Plan has not been submitted as part of the subject or the early works DA (D/2019/1159).</p> <p>The proposed modification is not supported.</p>
91	<p>DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT</p> <p><i>Delete this condition. Council has already demolished buildings and excavated.</i></p>	<p>Not supported.</p> <p>The proposed development involves excavation beyond that approved by the Gunyama Park and Aquatic Centre consent (D/2016/824). Council contractors have not carried out any significant excavation works.</p> <p>The applicant must address the requirements of the condition that are relevant to their development.</p>
92	<p>DILAPIDATION REPORT – MAJOR EXCAVATION / DEMOLITION</p> <p><i>It is requested that the condition is modified to remove all references to Gunyama Park. The park is not completed and Council has built retaining walls encroaching on the site to be purchased.</i></p>	<p>Not supported.</p> <p>The requirement for preparation of a dilapidation report for the park should remain. The dilapidation report for the park is to document the current condition of the park. If works are delayed and construction of the park progresses, the dilapidation report may still provide a useful record of its condition.</p> <p>Any encroachments on the site are a civil matter to be resolved by the affected landowners.</p>



No.	Requested Modification	Supported / Not Supported
93	<p>EROSION AND SEDIMENT CONTROL</p> <p><i>Typographical error should be corrected.</i></p>	<p>Supported.</p> <p>Agreed, first two paragraphs can be deleted.</p>
126(a)	<p>STORMWATER AND DRAINAGE – MAJOR DEVELOPMENT</p> <p><i>The development consent for 811 Elizabeth Street, Zetland (D/2019/258) required drainage designs to be submitted and approved prior to issue of a Construction Certificate for excavation, civil, drainage or building works, whichever is earlier.</i></p> <p><i>It is requested that the condition be modified so that instead of requiring a drainage design to be submitted and approved prior to issue of ‘any’ Construction Certificate, it be required prior to issue of ‘a’ Construction Certificate, consistent with the 811 Elizabeth Street consent.</i></p>	<p>Not supported.</p> <p>The condition requires drainage and overland flow path designs to be finalised so that drainage conditions are established for the development of the site. It is not appropriate for the developer to select which Construction Certificate this requirement might apply to. The requested modification is not supported.</p>
129	<p>INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING</p> <p><i>Typographical error should be corrected.</i></p>	<p>Supported.</p> <p>Agreed, correction of formatting error is supported.</p>
132	<p>ROAD NETWORK AND GEOMETRIC ROAD DESIGN</p> <p><i>Typographical error should be corrected.</i></p>	<p>Supported.</p> <p>Agreed, correction of formatting error is supported.</p>

No.	Requested Modification	Supported / Not Supported
157(a)	<p>HOURS OF WORK AND NOISE – OUTSIDE CBD</p> <p><i>It is requested that the condition be modified to extend construction hours on Saturdays to 5.30pm for finishing concrete pours of large slabs and for washing of concrete pumps.</i></p>	<p>Not supported.</p> <p>On 31 March 2020, the Minister for Planning made the <i>Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2020</i>. This order allows weekday construction hours on Saturday, Sunday and public holidays which in effect allows construction until 5.30pm on these days. The order does specify noise minimisation requirements but allows for those activities described in the applicant's submission. The City does not support extended constructions hours beyond the pandemic period.</p>

Prepared by: Ben Chamie, Senior Planner

## Attachments

**Attachment A.** Amended Recommended conditions of consent

**Attachment B.** Meriton Email Requesting Modifications to Recommended Conditions of Consent

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Approved



**GRAHAM JAHN AM**

Director City Planning, Development and Transport

# **Attachment A**

**Supported Modifications to the  
Recommended Conditions of Consent**

## **PART A - DEFERRED COMMENCEMENT CONDITIONS**

(A) The consent is not to operate until the following conditions are satisfied:

### **(1) DETAILED ENVIRONMENTAL SITE INVESTIGATION DATA GAPS**

- (a) An addendum is required to the Detailed Environmental Site Investigation (DESI) prepared by ADE Environmental dated 15 October 2018, reference MER-08-14531 / DSI / v1d (2019/526852) to close the outstanding data gap on investigation of the presence of per- and poly-fluoroalkyl substances (PFAS) referred to in section 8.6 and section 13 of the Remedial Action Plan (RAP) prepared by ADE Environmental dated 12 March 2020 (ADE reference MER-08-16690 / RAP1 v4f) (2020/143856) entitled "conclusions and recommendations" (P67), as previously endorsed within the letter of interim advice by the NSW accredited Site Auditor Letter of Interim Advice prepared by Michael Dunbavan, Coffey Environmental, dated 13 March 2020, reference SYDEN 234256-Vo1 (2020/126175-02) and addendum dated 24 April 2020 reference SYDEN234256-L02 (2020/187695.03).
  - (b) The addendum DESI must conclude that no further changes are required to the RAP.
- (B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (D) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

## PART B – CONDITIONS OF CONSENT

### SCHEDULE 1A

#### APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

**Note:** Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

##### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/976 dated 3 September 2019 and the following drawings prepared by SJB:

Drawing Number	Drawing Name	Date
DA-0198 Rev. 14	Floor Plan – Parking Level 2	17.04.2020
DA-0199 Rev. 14	Floor Plan – Parking Level 1	17.04.2020
DA-0200 Rev. 17	Floor Plan – Level 1 (Ground)	17.04.2020
DA-0201 Rev. 15	Floor Plan – Level 2	17.04.2020
DA-0202 Rev. 16	Floor Plan – Level 3	17.04.2020
DA-0203 Rev. 15	Floor Plan – Level 4	17.04.2020
DA-0204 Rev. 15	Floor Plan – Level 5	17.04.2020
DA-0205 Rev. 15	Floor Plan – Level 6	17.04.2020
DA-0206 Rev. 16	Floor Plan – Level 7	17.04.2020
DA-0207 Rev. 15	Floor Plan – Level 8	17.04.2020
DA-0208 Rev. 15	Floor Plan – Level 9 – 10	17.04.2020
DA-0210 Rev. 15	Floor Plan – Level 11 – 13	17.04.2020
DA-0213 Rev. 17	Floor Plan – Roof	17.04.2020
DA-0214 Rev. 14	Floor Plan – Lift Overrun	17.04.2020
DA-0501 Rev. 10	Elevations	17.04.2020
DA-0502 Rev. 11	Elevations	17.04.2020
DA-0503 Rev. 10	Elevations	17.04.2020
DA-0504 Rev. 10	Elevations	17.04.2020
DA-0505 Rev. 10	Elevations	17.04.2020
DA-0506 Rev. 10	Elevations	17.04.2020
DA-0601 Rev. 10	Sections	17.04.2020
DA-0602 Rev. 10	Sections	17.04.2020
DA-0603 Rev. 7	Façade Sections	17.04.2020
DA-0604 Rev. 4	Façade Sections	17.04.2020

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

## (2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Doors must be provided in the following locations:
  - i. From apartment A0106 to the common circulation space on Level 1 in Building A;
  - ii. From apartment B0105 to the car parking area on Level 1; and
  - iii. From the Level 1 common circulation space to the through site link in the eastern part of Building C.
- (b) Angled openable pop-out windows must be provided to the western wall of the southernmost bedrooms in apartments A0209, A0309, A0409, A0509, and A0608, and the southern wall of the easternmost bedroom in apartment in A0201. The windows must have an opening in a direction opposite to the direction that the main living room inlet windows face and must provide visual privacy to future occupants of the affected bedroom.
- (c) Openable skylights providing natural cross ventilation to apartments A0603, A0701, A0702, A0704, A0706, and A0709 must be relocated furthest away from the inlet windows to ensure the majority of the apartment can be naturally cross ventilated to ensure adequate natural cross ventilation is provided to the affected apartments.

Note: The affected apartments referred to in parts (b) and (c) of this condition must be naturally cross ventilated in accordance with Part 4B of the Apartment Design Guide.

- (d) Where a sliding door is the only source of natural ventilation to a habitable room, one window is to be provided. This could be in the form of a fanlight window above the sliding door or an operable window in what is currently a fixed panel of glass within the door.
- (e) External materials are to be amended to reflect the competitive design process winning scheme prepared by SJB. An amended **colours**, materials and finishes schedule must be provided that incorporates the following modifications:
  - i. Clear glass must be provided for all apartments instead of grey tinted glass;
  - ii. Grey travertine and warm travertine must be provided for TL1 and TL2;
  - iii. Light bronze blades must be used;
  - iv. Face bricks must be used in light tone and dark tone;
  - v. Details of the glazing to the external wall of the pool plant room must be provided;
  - vi. Flat vertical metal blades must be used for balustrades; and
  - vii. The manufacturer's specification for the metal louvres must be provided.

- (f) Sound isolated music practice rooms are to remain common property and be available residents for both sites.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate, ***except for (e) above which is to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate for above ground works.***

### **(3) DESIGN MODIFICATIONS - PLENUM DESIGN**

A suitably qualified ventilation expert must prepare a Ventilation Assessment in accordance with the City of Sydney's *Draft Alternative Natural Ventilation Of Apartments In Noisy Environments: Performance Pathway Guideline*. The Ventilation Assessment shall:

- (a) Consider the recommendations contained within the Acoustic Report (rev. 1, ref. 20190848.1, prepared by Acoustic Logic, dated 1 April 2020) and any subsequent Acoustic Report/s.
- (b) The design of the buildings must be modified to provide acoustically treated, natural ventilation plenums or alternative façade treatments to all residential apartment bedrooms and living rooms that are affected by noise from Epsom Road, with the following details:
  - i. No mechanical assistance is to be provided to the plenums and/or alternative façade treatments.
  - ii. The plenums and/or alternative façade treatments are to be designed to integrate with the building design. Detailed elevations, plans and sections are to be provided.
  - iii. The design detail is to be accompanied by advice from an acoustic consultant confirming that the acoustic treatment to the plenums and/or alternative treatments ensures compliance with noise criteria contained within approved Acoustic Report/s including that the repeatable maximum LAeq (1 hour) does not exceed 35dB between 10pm and 7am within bedrooms, and does not exceed 40dB 24 hours within main living rooms.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of any Construction Certificate ***for above ground works.***

### **(4) DESIGN MODIFICATIONS - LANDSCAPING**

- (a) The communal open space diagram on drawing DA-0732/9 is not approved. The distribution of communal and private space to Level 7 of Building A (northwest block) is to be reallocated to ensure communal open space is maximised, and that the area currently shown as private terraces is amended to incorporate all required plant. The overall allocation of communal open space is to be amended to ensure it does not include essential access paths and building entrances. The revised drawing DA-0732/9 and any relevant landscape and architectural drawings are to be resubmitted to Council for approval.

- (b) The extensive green roofs to Level 8 of Building A (eastern block) and Level 14 of Building C (western tower) must be revised to extend beneath all adjacent areas of photovoltaics, covering the majority of these roofs, consistent with the competitive design process winning scheme prepared by SJB.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of any Construction Certificate **for above ground works**.

#### **(5) DESIGN MODIFICATIONS - TREE MANAGEMENT**

If the Arboricultural Impact Assessment Report (AIA), to be approved in accordance with the ABORICULTURAL IMPACT ASSESSMENT REPORT condition below:

- (a) recommends that excavation, shoring, piling or the erection of temporary structures such as scaffolding, excavation or piling equipment are to be setback from the Tree Protection Zone (TPZ) of street trees numbered T1 to T3 located on Epsom Road; then
- (b) design modifications (i.e. footprint setback) and details are to be submitted to and approved by Council's Area Planning Manager prior to any works commencing within the TPZ of trees numbered T1 to T3 in the AIA prepared by Jacksons Nature Works and dated 27 August 2019. This includes the SRZs within the site, adjacent to the existing property boundary with Epsom Road.

#### **(6) BUILDING HEIGHT**

- (a) The height of the buildings must not exceed:
  - (i) Building A:
    - a. RL 46.30 (AHD) to the top of the lift overrun (east block)
    - b. RL 45.80 (AHD) to the top of the lift overrun (north block)
    - c. RL 44.30 (AHD) to the roof of the building
  - (ii) Building B:
    - d. RL 35.20 (AHD) to the roof of the building
  - (iii) Building C:
    - e. RL 67.80 (AHD) to the top of the lift overrun (east block)
    - f. RL 63.59 (AHD) to roof of the building
    - g. RL 66.00 (AHD) to the top of the lift overrun (west block)
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.



## **(7) DESIGN QUALITY EXCELLENCE**

- (a) As the proposal has been awarded bonus floor space or height for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:
  - (i) The design architect(s) comprising SJB are to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
  - (ii) The design architect(s) is/are to have full access to the site and is/are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
  - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.

The Accredited Certifier and Principle Certifier must be satisfied that the above matters are complied with prior to the issue of a relevant Construction and Occupation Certificates, in accordance with written confirmation from Council.

## **(8) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the commercial/retail use must not exceed 0.55:1; for the residential use must not exceed 2.42:1; and for the mixed use (commercial/retail, residential and common areas combined) must not exceed 2.48:1 calculated in accordance with *Sydney Local Environmental Plan 2012*. For the purposes of the calculation of FSR, the Gross Floor Area of the commercial/retail component is 583sqm, for the residential component is 25,653sqm, and the total Gross Floor Area is 26,235sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under *Sydney Local Environmental Plan 2012*, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

## **(9) COMPLIANCE WITH REGISTERED VPA**

The terms of the Planning Agreement between the Council of the City of Sydney and Karimbla Properties (No 48) Pty Ltd dated 7 May 2020 are to be complied with.

In accordance with the Planning Agreement:

- (a) the provision of the guarantee is required prior to the first Construction Certificate; and
- (b) the completion of the developer's works and transfer of land are required prior to the first Occupation Certificate.

#### **(10) PUBLIC ART**

- (a) A revised Preliminary Public Art Plan is to be submitted to, and approved by the Council's Director City Planning, Development and Transport prior to the issue of any Construction Certificate. The Plan is to be amended as follows:
  - (i) the Artwork Budget must note that the budget for public art does not form part of the VPA and that given the scale and ambitions of the development, public art should be iconic and is to be located as per the preferred option shown on the Potential Public Art Locations diagram (page 12, drawing 0012\_A).
  - (ii) Discussion of Potential Public Art Locations be amended in the Plan to refer to streets adjacent to the development, ie Rose Valley Way, George Julius Avenue and Fuse Street.
  - (iii) Clarification of the Curator Engagement Role and Artist Selection, including:
    - a. Amending the process to note, that a specialist Indigenous Curator will be appointed to nominate and guide the selection of an Aboriginal artist for an iconic artwork.
    - b. Selected artists concepts are to be presented to the City of Sydney's Public Arts Team prior to the issue of a Construction Certificate and submission of a Detailed Public Art Plan.
- (b) Final details of the proposed public art work must be submitted in a Detailed Public Art Plan to, and approved by, Council's Director City Planning, Development and Transport prior to issue of any Construction Certificate for above ground works.
- (c) Public art work must be installed to the City's satisfaction and a Final Public Art Report submitted to Council prior to the issue of any Occupation Certificate.
- (d) The public artwork must be in accordance with the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public Art in Private Developments.

Note: Public art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at

<http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

Please contact the Public Art Team at [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

## **(11) WASTE AND RECYCLING MANAGEMENT**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Waste and Recycling Management Plan must be implemented during construction of the development. The Waste and Recycling Management Plan must address the following issues:
  - (i) Bulky Waste Storage of 4m<sup>2</sup> is to be provided for the commercial tenants of this development.
  - (ii) Further clarification is required regarding waste transference of Building C retail waste to retail bin storage in Building A. Highlight the path of access for retail waste management.
  - (iii) Waste generation calculations and storage for green/organic waste from the site must be provided.
  - (iv) Further clarification regarding Building C chute discharge rooms is required, including the proposed transportation of bins from chute discharge rooms located on Basement Level 1 in Building C to collection point in Building A. Highlight the path of access for waste management.
- (c) Storage
  - (i) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City of Sydney *Guidelines for Waste Management in New Developments 2018*
  - (ii) Residential and commercial waste and recycling receptacles and bulky waste must be stored on the property at all times and must not be placed on kerbside for collection
  - (iii) Doorways to bin collection area(s) and any goods lift(s) must fit the size of bins proposed for use in the WMP. Dimensions of standard bins available for use are:
    - 1,100 litres – 1240mm long X 1070mm wide
    - 660 litres – 1260mm long X 780mm wide
    - 240 litres – 730mm long X 550mm wide
- (d) Waste and Recycling Collection
  - (i) The maximum walking distance from any entrance of a residential dwelling to the storage area should not exceed 30 metres (lift travel distance not included) and should be located close to lifts and/or stairwells.

- (ii) Clearance height for access by collection vehicle must be no less than 4m at any point if vehicle is required to enter site to service bins
- (iii) Unimpeded access must be provided for collection from the waste and recycling storage location(s) at all times
- (iv) Unimpeded access shall be provided for collection vehicles to set down within 10 meters of waste storage area(s) between 6am and 6pm on collection day(s)
- (v) The developer must contact Council's Waste Services unit for information on installation of a compatible (GAR) key system to allow for the City's staff to collect residential waste and recycling receptacles and bulky waste directly from the nominated waste holding room(s)
- (vi) Commercial tenancies must have a commercial waste contract in place prior to commencement of business trading
- (e) General
  - (i) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with waste services
  - (ii) The development must have a residential rating or applied for a residential rating prior to a City Of Sydney waste service commencing
  - (iii) Commercial and residential waste service collections and waste storage arrangements must be conducted in accordance with the City's *Waste Policy – Local Approvals Policy for Managing Waste in Public Places (2017)*
  - (iv) If a grease trap is present it must be serviced from within the site boundary or from another access point and not from on Epsom Road, due to safe access impacts on the cycle way from pump the out hose

#### UPON COMPLETION OF THE DEVELOPMENT

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

### **(12) ARBORICULTURAL IMPACT ASSESSMENT REPORT**

- (a) Prior to any works commencing within the Tree Protection Zones (TPZs) of trees numbered T1 to T3, including parts of these TPZs within the site, adjacent to the existing property boundary with Epsom Road, an Arboricultural Impact Assessment report must be submitted to and approved by Council's Area Planning Manager. The report must be:
  - Prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 in Arboriculture;

- Written in accordance with the Australian Standard AS 4970-2009 Protection of Trees on Development Sites (AS4970);
  - Must be informed by the exploratory root investigations carried out in accordance with the EXPLORATORY ROOT INVESTIGATIONS condition below; and
  - Must incorporate the tree pruning specifications prepared in accordance with the TREE PRUNING condition below.
- (b) The Arboricultural Impact Assessment report must provide the following details:
- (i) An assessment and discussion of the likely impacts the proposed development will have on the trees to be retained. This should include above and below ground constraints on trees that should be retained.
  - (ii) Recommendations of any design modifications, construction techniques (piling rigs, scaffolding/ hoarding) and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition and construction works, and into the long term. Note: particular attention must be paid to the existing soil levels, required development levels to integrate to the existing building, and the required tree protection measures.
  - (iii) Details of the tree protection measures in accordance with AS4970-2009 Protection of trees on development site and identify owners of all trees impacted by the development.
  - (iv) Provide a Tree Protection Plan (scaled drawing) showing the tree protection zones, structural root zones and canopies for trees affected by the proposed development.
  - (v) Information on the Arborist's involvement during the works is also required.
  - (vi) Any other works that must be prohibited throughout construction and development on site.

### **(13) EXPLORATORY ROOT INVESTIGATIONS**

- (a) To ensure the street trees on Epsom Road are adequately protected from unnecessary damage that may occur during the bulk excavation, shoring and piling works, an Exploratory Root Investigation Report must be prepared, and submitted to and approved by Council's Area Planning Manager prior to any works commencing ~~on-site~~ ***within the SRZ of trees numbered T1 to T3 in the AIA prepared by Jacksons Nature Works and dated 27 August 2019.***
- (b) The report must:
  - (i) Be prepared by a qualified Arborist (minimum AQF Level 5), to determine the exact location and extent of existing roots.

- (ii) Non-invasive root investigations must be undertaken within the sites garden bed that runs parallel to Epsom Road.
- (iii) The non-destructive root investigation trench must be between the existing boundary fence and trees numbered 4 and 18-24 in the Arboricultural Impact Assessment report by Jacksons Nature Works dated 29 October 2019. Where large roots greater than 40mm diameter are present and the AQF level 5 Arborist believes that these roots belong to a tree within the site (numbered 4 and 18-24), that root must be traced back to the trees buttress (clear photographic evidence is required).
- (iv) This shall consist of either hand excavation or 'air knife', to a minimum depth of 800mm below the exiting grade, gently removing the soil to expose the existing tree roots where construction is likely to impact on the trees or require root pruning to achieve the proposed bulk excavation for the basement design.
- (v) An assessment and documentation (including photos) of tree root size, number and condition;
- (vi) A site plan showing all excavation lines and root locations in relation to the proposed bulk excavation for the basement design;
- (vii) Information on the Arborist's involvement during these works;
- (viii) Details of the protective fencing to be installed (location / materials / duration);
- (ix) Details on the trunk protection (method / materials / duration); and
- (x) Any other works that must be prohibited throughout construction and development on site.

This is to ensure health, vigour and stability of the trees is maintained.

#### Note - Important Information

Removal must not be recommended for any tree that is located on adjoining properties (including Council land) unless written consent from the tree owner is obtained.

Recommendations for tree removal must be based on arboricultural findings only. Removals where the reason given is to permit the proposed development will not be accepted.

### **(14) TREE PRUNING**

- (a) A 'Pruning Specification Report' prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to any works commencing in the vicinity (i.e. in the SRZ or that would come into contact with the trunk, branches or canopy) of trees listed in Table 3 of the TREES THAT MUST BE RETAINED condition below. The report must include:

- (i) Number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed.
  - (ii) Photos with individual branches which are recommended for pruning/removal to be clearly marked. (Please note reports which include photos with a single vertical line as the area recommended for pruning will not be accepted).
  - (iii) Pruning work must be specified in accordance with *Australian Standard 4373–2007, Pruning of Amenity Trees*.
  - (iv) Tree removal must not be recommended in this report.
  - (v) The total percentage of canopy to be removed and a detailed discussion on the affects that will have for each individual tree.
- (b) All approved tree pruning works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover's Code of Practice – Amenity Tree Industry.

#### (15) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below, as numbered in the Arboricultural Impact Assessment (AIA) prepared by Jacksons Nature Works and dated 27 August 2019, are approved for removal.

Tree No	Botanical/Common Name	Location
12	<i>Corymbia citriodora</i> / Lemon Scented Gum	In site, centrally located
13	<i>Corymbia citriodora</i> / Lemon Scented Gum	In site, centrally located
14	<i>Corymbia citriodora</i> / Lemon Scented Gum	In site, centrally located
15	<i>Corymbia citriodora</i> / Lemon Scented Gum	In site, centrally located

- (b) All trees detailed in Table 2 below, as numbered in the AIA prepared by Jacksons Nature Works and dated 27 August 2019, are approved for removal, but can only be removed subject to the satisfaction of the ABORICULTURAL IMPACT ASSESSMENT REPORT condition above.

Tree No	Botanical/Common Name	Location
4	<i>Syzygium smithii</i> / Lilly Pilly	Within site, adjacent to Epsom Road
18	<i>Syzygium smithii</i> / Lilly Pilly	Within site, adjacent to Epsom Road
19	<i>Syzygium smithii</i> / Lilly Pilly	Within site, adjacent to Epsom Road
20	<i>Syzygium smithii</i> / Lilly Pilly	Within site, adjacent to Epsom Road
21	<i>Syzygium smithii</i> / Lilly Pilly	Within site, adjacent to Epsom Road
22	<i>Syzygium smithii</i> / Lilly Pilly	Within site, adjacent to Epsom Road

Tree No	Botanical/Common Name	Location
23	<i>Callistemon viminalis</i> / Weeping Bottlebrush	Within site, adjacent to Epsom Road
24	<i>Acacia longifolia</i> / Golden Wattle	Within site, adjacent to Epsom Road

#### (16) TREES THAT MUST BE RETAINED

- (a) That the existing trees detailed in Table 3 below, as numbered in the Arboricultural Impact Assessment (AIA) prepared by Jacksons Nature Works and dated 27 August 2019, be retained and protected throughout the proposed development.

Table 3 – Tree Retention:

Approval is NOT granted for the removal of the following trees which Council has determined to be prominent landscape elements.

Tree No	Botanical/Common Name	Location
1	<i>Lophostemon confertus</i> / Brushbox	Epsom Road
2	<i>Lophostemon confertus</i> / Brushbox	Epsom Road
3	<i>Lophostemon confertus</i> / Brushbox	Epsom Road
16	<i>Lophostemon confertus</i> / Brushbox	Epsom Road
17	<i>Lophostemon confertus</i> / Brushbox	Epsom Road
5	<i>Casuarina cunninghamiana</i> / River She-oak	Eastern boundary
6	<i>Casuarina glauca</i> / Swamp She-oak	Eastern boundary
7	<i>Casuarina cunninghamiana</i> / River She-oak	Eastern boundary
8	<i>Melia azedarach</i> / White Cedar	Eastern boundary
9	<i>Populus deltoides</i> / Cottonwood	Eastern boundary
10	<i>Casuarina glauca</i> / Swamp She-oak	Eastern boundary
11	<i>Casuarina glauca</i> / Swamp She-oak	Eastern boundary
25	<i>Melia azedarach</i> / White Cedar	Eastern boundary
26	<i>Melia azedarach</i> / White Cedar	Eastern boundary

#### (17) STREET TREE PROTECTION

- (a) All street trees directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:



- (b) Tree trunk and major limb protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (AQF level 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunks at all times;
  - (ii) Tree trunk/s and/or major branches, must be protected by wrapped hessian or similar material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (e) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within in any area known to, or suspected of having street tree roots greater than 40mm diameter must be undertaken by hand.
- (g) Any trenching works for services / hydraulics / drainage etc. must not be undertaken within 4 metres of any street tree. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of construction activities may result in a prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

## **(18) STREET TREE PRUNING**

- (a) 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.
- (b) 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'.

## **(19) TREE PROTECTION ZONE**

- (a) Before the commencement of works, Tree Protection Zones (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and as follows;

### **TPZ Schedule**

<b>Tree No</b>	<b>Species Name</b>	<b>Location</b>	<b>Radius (m) From Trunk</b>
5	<i>Casuarina cunninghamiana</i> / <i>River She-oak</i>	Eastern boundary	3.7
6	<i>Casuarina glauca</i> / <i>Swamp She-oak</i>	Eastern boundary	3.8
7	<i>Casuarina cunninghamiana</i> / <i>River She-oak</i>	Eastern boundary	3.1
8	<i>Melia azedarach</i> / <i>White Cedar</i>	Eastern boundary	5.6
9	<i>Populus deltoides</i> / <i>Cottonwood</i>	Eastern boundary	7.4
10	<i>Casuarina glauca</i> / <i>Swamp she-oak</i>	Eastern boundary	5.8
11	<i>Casuarina glauca</i> / <i>Swamp She-oak</i>	Eastern boundary	3.8
25	<i>Melia azedarach</i> / <i>White Cedar</i>	Eastern boundary	2.2
26	<i>Melia azedarach</i> / <i>White Cedar</i>	Eastern boundary	2.4

- (c) Tree Protection Fencing must be installed and maintained prior to the commencement of any works and in accordance with the following:
  - (i) A 1.8 metre high fully supported chainmesh protective fencing, secured and fastened to prevent movement shall be installed around the edge of grassed area encompassing the trees. Woody roots must not be

damaged or destroyed during the establishment or maintenance of the fencing;

- (ii) The area within the fencing shall be mulched to a depth of 75mm and kept free of weeds and grass for the duration of works
  - (iii) Tree Protection Signage shall be attached facing outwards in a visible position identifying the name and contact details of the site Arborist. All signs must remain in place throughout all work on site.
  - (iv) Tree Protection Fencing must not be relocated unless written approval is obtained from the Site Arborist and a copy is provided to Council which outlines alternate protection measures required to ensure all trees remain viable and confirmation that the relocation of the fencing will not impact the tree/s.
- (d) The ground surface protection must be installed if construction access is required through any TPZ and part (g)(i) of this condition has been approved:
  - (i) Protected with boarding (i.e. scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
  - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (e) The following works must be excluded from within any TPZs:
  - (i) Excavation (except for localised siting of piers / demolition of the concrete slab);
  - (ii) Soil cut or fill including trenching;
  - (iii) Soil cultivation, disturbance or compaction;
  - (iv) Stockpiling, storage or mixing of materials;
  - (v) The parking, storing, washing and repairing of tools, equipment and machinery;
  - (vi) The disposal of liquids and refuelling;
  - (vii) The disposal of building materials;
  - (viii) The siting of offices or sheds;
  - (ix) Any action leading to the impact on tree health or structure.
- (f) Any trenching works for services / hydraulics / drainage etc. must not be undertaken within any Tree Protection Zone (TPZ). Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed.
- (g) All work undertaken within or above the TPZ must be:

- (i) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
- (ii) Supervised by a qualified Consultant Arborist (minimum AQF Level 5).

## **(20) STREET TREE PLANTING AND MAINTENANCE**

- (a) A Public Domain Plan must be submitted **to** and approved by Council's Area Planning Manager or Public Domain team prior to the issuing of the Construction Certificate **for public domain work or above ground building work, whichever is later**. The plan must include:
  - (i) Tree species shall be consistent with the City's Street Tree Master Plan (Refer to relevant precinct plans). Species substitutes will not be accepted;
  - (ii) Street trees must be located and planted in accordance with the City's Street Tree Master Plan (Technical Guidelines).
- (b) The trees must be a minimum container size of 100 litres and a minimum height of 2.5 metres at the time of planting;
- (c) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' at the time of planting.
- (d) Certification from the tree supplier must be submitted to Council's Tree Management Officer, prior to the trees being planted which confirms the new trees have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by Council.
- (e) The street tree(s) must be planted:
  - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
  - (ii) before the issuing of the final Occupation Certificate.
- (f) All new street trees must be inspected by Council's Tree Management Officer, before and after planting.
- (g) All street trees planted in accordance with the approved Public Domain Plan must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of twelve (12) months commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (h) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (i) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

**(21) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH PRECINCT**

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$3,020,940.14
Community Facilities	\$612,906.26
Traffic and Transport	\$499,888.61
Stormwater Drainage	\$197,730.76
Total	\$4,331,465.77

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$\text{Cpayment} = \text{Cconsent} \times (\text{CPIpayment} \div \text{CPIconsent})$$

Where:

Cpayment = Is the contribution at time of payment;

Cconsent = Is the contribution at the time of consent, as shown above;

CPIpayment = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 117.4 for the CPI quarter: March 2020.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

The section 7.11 contributions payable may be offset in accordance with the requirements and obligations identified in the Planning Agreement dated 7 May 2020 between The Council of the City of Sydney and Karimbla Properties (No 48) Pty Ltd.

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only),

cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

**(22) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE**

In accordance with Clause 7.13 of Sydney Local Environmental Plan 2012 and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning, Industry and Environment or a bank guarantee in favour of the Department of Planning, Industry and Environment to the value of the required contribution has been lodged. The contribution is \$7,197,879.26 based on the in lieu monetary contribution rate for non-residential development at \$71.36 per square metre of total non-residential floor area 583sqm, and for residential development at \$214.17 per square metre of total residential floor area 33,414sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted [March 2020 to 28 February 2021], the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

(a) Applicants have two payment options:

Option 1 is payment by bank cheque using "Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque". Form B must be obtained from the Green Square and Major Projects team, Strategic Planning and Urban Design unit at the City of Sydney on [GSPT@cityofsydney.nsw.gov.au](mailto:GSPT@cityofsydney.nsw.gov.au) and then must be lodged with a bank cheque with the NSW Department of Planning, Industry and Environment.

Option 2 is lodgement of a bank guarantee using "Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee". Form A must be obtained from the Green Square and Major Projects team, Strategic Planning and Urban Design unit at the City of Sydney on [GSPT@cityofsydney.nsw.gov.au](mailto:GSPT@cityofsydney.nsw.gov.au) and then must be lodged with a Bank Guarantee with the NSW Department of Planning, Industry and Environment.

Where Form A has been used, any occupation certificate must not be released until payment by bank cheque using "Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque". Form C must be obtained from the Green Square and Major Projects team, Strategic Planning and Urban Design unit at the City of Sydney on [GSPT@cityofsydney.nsw.gov.au](mailto:GSPT@cityofsydney.nsw.gov.au) and then must be lodged with a bank cheque with the NSW Department of Planning, Industry and Environment.

(b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing

contribution amount can be obtained from the relevant Form A, B or C at time of payment.

- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney's Green Square and Major Projects team, Strategic Planning and Urban Design unit. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning, Industry and Environment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment =  $C \times \text{HPI2} / \text{HPI1}$ , where:
  - (i) C is the original contribution amount as shown above;
  - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
  - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent [insert relevant period e.g. 1 March 2018 to 28 February 2019].

The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area sqm) x residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$)

## **(23) CAR SHARE SPACES**

- (a) A minimum of 3 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the Construction Certificate being issued.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must accessible to members of the car share scheme at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

*Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated.*

**(24) WAY FINDING PLAN**

A way finding parking plan must be submitted showing all the signage to/from the bicycle facilities, loading dock, service bay, car share, and any retail customer parking provided. The plan must also show directions to lifts where appropriate. This might include illuminated signage where appropriate. These plans must be submitted to and approved by Council prior to any **Occupation Certificate** being issued

**(25) TEMPORARY ACCESS FROM FUSE STREET**

A temporary access from Fuse Street is permitted only until the opening of an access way from Rose Valley Way, when Fuse Street will be converted into a pedestrian / cycle only link.

**(26) STACKED OR TANDEM PARKING EMPLOYEES OR TENANTS ONLY**

Any stacked or tandem 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 or tandem parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to an **Occupation Certificate** being issued. The moving of stacked or tandem vehicles must occur wholly within the property.

**(27) LOADING DOCK MANAGEMENT PLAN**

The Loading Dock Management Plan must be submitted to and approved by Council prior to ***issue of*** any ***Occupation*** ~~Construction Certificate for the site being granted.~~

The final plan should identify how the loading area (loading dock and service bays) will be managed and used by all building tenants (residential and retail) and of each building including building A, B and C and how the loading area will accommodate uses such as:

- Waste Servicing
- Removalist vehicles
- Deliveries (Short stay)
- Tradesperson (Long stay)

The final plan must detail pedestrian path between the loading dock and each building and management operations and wayfinding signage and markings to ensure efficient and safe pedestrian access.



The final plan must detail methods of communication to encourage residents to utilise smaller vehicles (ie. B99 or smaller) for removalist activities given limitations in the loading dock design.

The final plan must also detail the methodology and schedule for transferring waste from all buildings collection points to the bin storage room within the loading dock area. This must consider who will transfer the bins, frequency of transfer, how it would be undertaken in a safe manner and what type of vehicle will be used in the transfer (including it's road license details). The plan is to be consistent with the Waste Management Plan in this regard.

The final plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.

The final plan shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

#### **(28) ALLOCATION FOR CAR WASH BAYS**

Car wash bay 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 for use by all tenants.

#### **(29) ALLOCATION FOR VISITOR PARKING**

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 for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of any occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

#### **(30) SMALL CAR PARKING SPACES AND DIMENSIONS**

The design and layout of all off-street small car parking spaces 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.

All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

#### **(31) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

### (32) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of Council prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	151
Accessible residential spaces	41
Residential visitor spaces	21
Accessible residential visitor spaces	2
Retail spaces	3
Subtotal	175
Motorcycle parking	16
Car share parking	2
Car wash bay	2
Service vehicle spaces	5
Medium Rigid Vehicle loading dock(s) – can also accommodate a Council Waste vehicle	1

#### Notes:

*(a) Number of motorcycle spaces refers to dimensions of 1.2m x 2.5m per Australian Standards. Alternatively the proponent may provide standard car spaces marked as motorcycle spaces (dimensions of 2.4m x 5.4m per Australian Standards). In this case a maximum of 4 spaces would be required.*

*(b) The waste collection area must meet the requirements of DCP12 Section 3.11.13 (3), namely that vehicle access for collection and loading will include (but is not limited to) the following:*

- a 9.25m Council garbage truck and a small rigid delivery vehicle;*
- minimum vertical clearance of 4.0 metres for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle;*
- collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes;*
- maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end;*
- a minimum driveway width of 3.6m; and*
- a minimum turning circle radius of 10.5m.*

*(c) Accessible Parking spaces to meet the Australian Standards AS/NZS 2890.6 including having the shared area located adjacent to the space.*

### (33) ON SITE LOADING AREAS AND OPERATION

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.

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.

### (34) ASSOCIATED ROADWAY COSTS

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

### (35) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	271	Spaces must be a Class 2 bicycle facilities
Residential visitor	28	Spaces must be Class 3 bicycle facilities
Non-residential	6	Spaces must be Class 2 bicycle facilities
Non-residential visitor	10	Spaces must be Class 3 bicycle facilities
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	3	

#### Notes:

- (i) *Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class "B", and class 3 as class 'C'.*
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of:
- *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities,*
  - *'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation', and;*
  - *section 3.11.3 of the Sydney DCP 2012.*

The details must be submitted to and approved by Council prior to any Construction Certificate being issued **for the basement or ground level fit out, whichever is the earlier.**

### **(36) CHANGES TO KERB SIDE PARKING RESTRICTIONS**

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

*Note: It is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.*

### **(37) COST OF SIGNPOSTING**

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

### **(38) INTERCOM FOR VISITORS**

Where a boom gate or barrier control is in place, 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 4m clear of the property boundary, wired to all units. The intercom must comply with *Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*.

### **(39) PARKING DESIGN**

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 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

### **(40) PARKING ON COMMON PROPERTY AREAS**

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate

documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

**(41) 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.

**(42) SIGNS AT EGRESS**

The following signs must be provided and maintained within the site at the point(s) of vehicle 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 compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

**(43) TRAFFIC WORKS**

***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.***

**(44) USE - SEPARATE DA REQUIRED**

No consent is granted or implied for the fitout or specific use of the commercial/retail premises.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout and use of the each individual tenancy prior to that fitout or use commencing.

**(45) USE OF COMMON AREAS AND FACILITIES**

The communal open space, gymnasium, swimming pool, music practice rooms and other amenities must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

**(46) HOURS OF OPERATION**

The hours of operation of the approved commercial/retail premises are restricted to between 7.00am and 11.00pm Monday to Sunday.

**(47) AIR CONDITIONERS GENERALLY**

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:

- (a) Not be located on awnings or attached to the face of the building

- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

**(48) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING**

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

**(49) APPROVED DESIGN ROOF - TOP PLANT**

All roof-top plant and associated equipment must be located within the approved building envelope.

**(50) REFLECTIVITY**

Prior to issue of the Construction Certificate the Accredited Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

**(51) SWINGING DOORS OVER PUBLIC WAY**

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

**(52) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES**

- (a) A suitably qualified acoustic consultant\* is to be engaged prior to the commencement of the construction stage of the project to assess the proposed mechanical plant design and the potential acoustic impact of the adjacent sports facility, Gunyama Park on the future residents of the development. The Assessment shall include:
  - Appropriate recommendations for ameliorative measures to protect residents' amenity.
  - Confirmation that the internal acoustic criteria as contained within the Acoustic Report, rev. 1, ref. 20190848.1, prepared by Acoustic Logic, dated 1 April 2020 can be achieved through provision of non-mechanical ventilation, particularly if compliance with internal acoustic criteria is dependent on the occupants having the windows on the facades facing Guyama Park closed.
  - Confirmation on which apartments throughout the entire development require non-mechanical ventilation for the purpose of achieving internal noise criteria.
- (b) Acoustic design criteria or performance specifications that have arisen from the DA acoustic report and any subsequent acoustic assessment into the

proposed use shall be finalised and verified by a suitably qualified acoustic consultant.

- (c) All performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic Report, rev. 1, ref. 20190848.1, prepared by Acoustic Logic, dated 1 April 2020 and subsequent Acoustic Assessment/s must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements below and to the satisfaction of the certifying authority.
- (d) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* (see definition below) to be in accordance with the requirements of the Acoustic Report. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Area Planning Manager which confirms compliance with the recommendations as contained within the Acoustic Report (rev. 1, ref. 20190848.1, prepared by Acoustic Logic, dated 1 April 2020,) and subsequent Acoustic Assessment/s.
- (e) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Area Planning Manager that the development complies with all performance parameters, requirements, engineering assumptions and recommendations as contained within the Acoustic Report (rev. 1, ref. 20190848.1, prepared by Acoustic Logic, dated 1 April 2020,) and subsequent Acoustic Assessment/s.

Note: 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.

#### **(53) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site-specific noise management plan shall be submitted to the Council for comment and approval prior to issue of any Construction Certificate.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to

7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**(54) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- (a) All works conducted on site which form part of this development must be carried out in accordance with the Approved Demolition, Excavation and Construction Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable 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 in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.



#### **(55) NOISE – MECHANICAL PLANT**

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
  - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An  $L_{Aeq,15 \text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15 \text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - (i) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

#### **(56) CONTROL OF LIGHT INTO THE ENVIRONMENT**

Lighting installed in the open and/or public spaces must comply with AS1158 series-lighting for roads and public spaces. The design and placement must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood, for that purpose lighting must comply with AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting.

#### **(57) SIGNAGE STRATEGY**

A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

#### **(58) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

## **(59) SHOP FRONTS**

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- (b) Security roller shutters must not be installed on the outside of the shop front. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type. Details are to be submitted to and approved by the Accredited Certifier prior to a Construction Certificate being issued.
- (c) Merchandise, public telephones, stored material or the like must not be placed on the footway or other public areas.
- (d) No flashing signage visible from the public way shall be installed.
- (e) The approved layout must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.
- (f) Any proposed shelving along the glass shopfronts must be of an open-framed, see through construction and the combined height of shelving and any goods displayed must not exceed 1200mm above the finished floor level.
- (g) All shelving, shop fittings, refrigeration equipment and the like which are placed in front of windows, must be kept a minimum of 1 metres from the inside face of the window.

## **SCHEDULE 1B**

### **PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

#### **(60) FLOOD PLANNING LEVELS**

The development shall be constructed to comply with the recommended flood planning levels indicated in Table 5 of the report "94-104 Epsom Road site flood assessment" prepared by wma water dated 26 July 2019.

Details shall be submitted to the Principal Certifying authority demonstrating that the development will comply with the recommended flood planning levels prior to issue of a construction certificate.

A certification report prepared by a qualified Civil Engineer shall be submitted to the Principal Certifying Authority prior to issue of any Occupation certificate stating that the development has been constructed in accordance with the recommendations of the report "94-104 Epsom Road site flood assessment" prepared by wma water dated 26 July 2019.

#### **(61) DEWATERING**

Prior approval must be sought from the City's Public Domain Unit 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.

#### **(62) PRINCIPAL CERTIFIER FOR SUBDIVISION WORK**

A separate application is to be made to Council for appointment as Principal Certifier for the Subdivision Works under Divisions 6.2 and 6.4 of the Act, and Council's appointment is to be obtained prior to the commencement of any such work on the site.

#### **(63) SUBDIVISION WORKS CERTIFICATE FOR SUBDIVISION WORKS**

A Subdivision Works Certificate is to be obtained from Council or an accredited certifier for the above Subdivision Works in accordance with Divisions 6.2 and 6.4 of the Act and clause 148A of the Environmental Planning and Assessment Regulation 2000 and submitted to Council prior to its appointment as the Principal Certifier.

#### **(64) LAND SUBDIVISION – SUBDIVISION CERTIFICATE**

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.4(d) of the Environmental Planning and Assessment Act 1979 for each stage of the subdivision.

#### **(65) SYDNEY WATER CERTIFICATE - SUBDIVISION**

Prior to the issue of a Subdivision/Strata Certificate for each stage, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council prior to a Subdivision Certificate being issued. It should be noted that separate Section 73 certificates for the dedication only stages will not be required.

#### **(66) SUBDIVISION WORKS – HOLD POINTS AND HANDOVER**

(a) Prior to a Subdivision Works Certificate being issued for subdivision works, including civil, drainage and subsurface works, a set of hold points for approved subdivision, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.

(b) Prior to a Certificate of Completion being issued for subdivision works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all subdivision works. Completion and handover of the constructed subdivision 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.

#### **(67) LAND DEDICATION – NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN**

Any land that is to be dedicated to the City as part of the associated Voluntary Planning Agreement must not be encumbered by any Environmental Management Plan or Long Term Environmental Management Plan.

#### **(68) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

A documentary Restriction on the Use of Land is to be created over Lots 11 & 12, and additionally any future strata lots, pursuant to Section 88B of the Conveyancing Act 1919, created appurtenant to Council, in terms to the satisfaction of Council, requiring the apartments to be used for permanent residential accommodation only and not for the purpose of short term rental accommodation such as hotel, serviced apartments, boarding house, tourist and

back-packer accommodation, with the Council being the authority to release, vary or modify the restriction.

**(69) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL CAR PARKING**

A documentary Restriction on Use of Land is to be created over Lots 11 & 12, and additionally any future strata lots, pursuant to Section 88B of the Conveyancing Act 1919, created appurtenant to Council, in terms to the satisfaction of Council, requiring the on-site car parking spaces, exclusive of service car spaces, not to be used other than by an occupant, tenant or visitor to the lot within the building, with the Council being the authority to release, vary or modify the restriction.

**(70) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL**

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) The Stage 1 subdivision shall provide for a Restriction on the use of Land to be registered on the Title of Lots 11 & 12, pursuant to Section 88B of the Conveyancing Act 1919, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision shall provide for the above restriction to be created, burdening all residential lots in the strata plan including a car space
- (d) A restriction burdening common property in a future strata plan only, shall not satisfy this condition

**(71) ADDITIONAL EASEMENTS**

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

**(72) STREET ADDRESSES OF LOTS**

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2012, the street addresses for each lot must be shown on the final plan of subdivision. An application should be made to Council's Spatial Information Officer to obtain the correct street address for each lot, to be shown on the Administration Sheet for the Stage 1 subdivision.

**(73) ROAD DEDICATION – STAGE 2 & 3 SUBDIVISIONS**

- (a) Lots 23 & 24 in the Stage 2 subdivision shall be dedicated to the public as public road, prior to the issue of any staged Occupation Certificate for any component of the buildings constructed within Lots 11 & 12.

- (b) Public domain works within Lots 23 & 24 shall be completed to the satisfaction of Council's Public Domain division prior to the issue of any staged Occupation Certificate for the whole or part of any component of the buildings constructed within Lots 11 & 12.
- (c) Lot 35 shall be dedicated to the public as public road with the Stage 3 subdivision.
- (d) Subdivision stages may be combined if so desired.
- (e) The land to be dedicated in accordance with the above clauses must be dedicated unencumbered. All restrictions, covenants and leases must be released prior to dedication, including those benefiting Council. Easements may be released in conjunction with the dedication process.

#### **(74) PARKING ON COMMON PROPERTY AREAS**

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

#### **(75) STRATA TITLE PARKING SPACES**

All parking spaces other than visitor parking or service spaces must form part of a residential or commercial strata unit in any future strata subdivision. No parking spaces or storage spaces are to have their own individual strata title.

#### **(76) EMBEDDED NETWORKS – FUTURE STRATA SUBDIVISIONS**

If embedded networks are installed within the proposed buildings to be erected upon Lots 11 & 12, a positive covenant shall be created burdening all future strata lots, and benefiting the Common Property/Owners Corporation, in the following terms:

- (a) Any contract for sale of the property must include a prominent annexure, advising the prospective purchaser of the existence of the embedded network, and clearly specifying each service contained within the embedded network.
- (b) Where a unit or apartment has been occupied for in excess of 12 months, a copy of the most recent bill for each service within the embedded network at the time of preparation of the above contract shall form part of the above annexure.
- (c) The Authority with the right to release, vary or modify the above positive covenant shall be named as the City of Sydney Council

#### **(77) SURVEY INFRASTRUCTURE**

Prior to the issue of the subdivision certificates for each subdivision stage, sufficient survey infrastructure, including reference marks and permanent marks,

must remain in place in order to satisfy the requirements of the Surveying and Spatial Information Regulation 2012, and to the satisfaction of Council.

**(78) SURVEY**

- (a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary or approved setback line 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 Certifier indicating the position of external walls in relation to the boundaries of the proposed allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining private land confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- (b) Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying & Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks. This survey shall be provided to the Principal Certifier prior to the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site, and is compliant with the setbacks approved under this consent.
- (c) AT COMPLETION - Prior to the issue of any staged Occupation Certificate for a part or the whole of the building - a Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the external site boundaries or proposed internal boundaries as approved by this consent must be rectified prior to the issue of any staged Occupation Certificate for the whole or any part of the building, or suitable easements registered on title.

**(79) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

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*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

**(80) ADAPTABLE HOUSING**

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Accredited Certifier:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.

- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

#### **(81) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW 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 must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) 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:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

**(82) ANNUAL FIRE SAFETY STATEMENT FORM**

An annual Fire Safety Statement must be given to Council and Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

**(83) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC**

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

**IMPORTANT NOTE:**

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

**(84) EXTERNAL WALLS AND CLADDING FLAMMABILITY**

The external walls of the building including attachments must comply with the relevant requirements of the Building Code of Australia (BCA). Prior to the issue of a Construction Certificate and Occupation Certificate the Accredited Certifier and the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the BCA; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

**(85) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

**(86) PRODUCTS BANNED UNDER THE BUILDING PRODUCTS (SAFETY) ACT 2017**

- (a) No building products that are banned, or products that are subject to a ban if used in a particular way, under the Building Products (Safety) Act 2017 are to be used in the construction of the development approved in this development consent.
- (b) Prior to the issue of any Occupation Certificate, the principal certifier is to confirm that none of the building products used on the building are subject to a building product use ban under the Building Products (Safety) Act 2017 or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the Building Products (Safety) Act 2017.

**(87) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A5.2(1)(e) of the Building Code of Australia must be submitted to the satisfaction of Council (where Council is the Accredited Certifier).

**(88) PHYSICAL MODELS**

- (a) Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

**(89) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and

approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.

- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) 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.

- (c) 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/application-guide/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.

#### **(90) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

#### **(91) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:
  - (i) 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.
  - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
  - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.

- (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with the City's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

- (b) 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.

- (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 SafeWork NSW.
  - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
  - (xv) Disconnection of utilities.
  - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - (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 SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

## **(92) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of Gunyama Park, 84-92 Epsom Road, and 106-116 Epsom Road, Zetland, are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Accredited Certifier and the Council prior to the issue of a Construction Certificate.

### **UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

**(93) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

~~The Soil and Water Management Plan accompanying this Development Application has not been approved by this consent.~~

~~[Planner: Only use this first paragraph if a Soil and Water Management Plan was submitted with the DA, otherwise delete]~~

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifier.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
  - (i) existing site contours;
  - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
  - (iii) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

**(94) ROAD OPENING PERMIT**

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

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

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

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

**(96) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. 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 transporters 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.

**(97) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN**

All recommendations contained in the Acid Sulphate Soils Management Plan prepared by Acid Sulfate Management Plan ADE Consulting Group dated 1 November 2019, reference MER-08-16690 / ASSMP1 v1 draft must be implemented, including the following: Management Strategies in section 6 and monitoring requirements within Section 7.

**(98) DISCHARGE OF CONTAMINATED GROUNDWATER**

Contaminated groundwater shall not be discharged into the City's stormwater drainage system.

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.

**(99) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

Prior to the commencement of any demolition and remedial works an Construction Environmental Management Plan (EMP) must be prepared for the site and submitted to Council's Area Planning Manager for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Environmental Management Plan.

**(100) IMPORTED FILL MATERIALS**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

## **(101) LAND REMEDIATION**

The site is to be remediated and validated in accordance with the following documents:

- Remediation Action Plan (RAP), 94-104 Epsom Road Zetland NSW (ADE reference MER-08-16690/RAP1 v4f, dated 12 March 2020 as referenced within the Letter of Interim Advice, ref. SYDEN234256-L01, prepared by Coffey Services Australia Pty Ltd, dated 13 March 2020 (Council ref. 2020/126175-02);
- Letter of Interim Advice, Michael Dunbavan, Coffey Environmental, dated 13 March 2020, reference SYDEN 234256-Vo1 (2020/126175-02);
- Revised RAP Endorsement Michael Dunbavan, Coffey Environmental, dated 24 April 2020, reference SYDEN234256-L02 (2020/187695.03); and
- as amended pursuant to deferred commencement condition (1) DETAILED ENVIRONMENTAL SITE INVESTIGATION DATA GAPS.

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*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Site Auditor and Council's Area Planning Manager prior to the commencement of such work.

## **(102) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to Council's Area Planning Manager and the Principal Certifier.

## **(103) SITE AUDIT STATEMENT**

Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-

[hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au)

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.



- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).

#### **(104) STOCKPILES**

- (a) 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 Team.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

#### **(105) LANDSCAPING OF THE SITE**

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a qualified landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. These documents must be generally in accordance with the Landscape Development Application report by Urbis, dated 21 April 2020 and must include:
  - (i) Location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in pots.
  - (ii) Details of deep soil in accordance the approved stamped plan 5997-DA-0733/9, dated 09.04.2020. The deep soil / landscape setback must not be used to house building services, and all building services including hydrants, meters and substations must be integrated into the building. Where relatively natural soil areas do not exist in the deep soil area or contaminated lands, provide details of clean fill including subsoil and topsoil layers.
  - (iii) Location and details of existing and proposed structures on the site including, but not limited to, paved areas, walls, services, furniture, shade structures, play equipment, lighting and other features
  - (iv) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on slab must be

1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.

- (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
  - (vii) Details of drainage, waterproofing and watering systems.
- (b) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
- (i) The design must provide a minimum 15% canopy cover across the site. This must be provided by 30% of the species having a mature height of 6-8 metres, 50% mature heights of 10-15 metres and 20% mature heights of 20-30 metres;
  - (ii) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2.5 metres.
  - (iii) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting;
  - (iv) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
- (c) All landscaping in the approved plan is to be complete prior to an Occupation Certificate being issued.

#### **(106) INACCESSIBLE GREEN ROOFS**

- (a) A detailed extensive green roof design including plans and details drawn to scale, and technical specification, by a qualified landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
- (i) Location and details of existing and proposed services, walls, fixings, PV cells, and other structural elements that may interrupt tanking waterproofing membrane, including cross-sectional details of all components.
  - (ii) Engineers report confirming structural capacity of building for proposed green roof loads.
  - (iii) Details of soil types and depth including any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.

- (iv) Details of integrated green roof with solar panels including planting underneath solar panels, ballast at walkway edge and at the base of PC cell frames
- (v) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
- (vi) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
- (vii) Green roof maintenance plan. This plan is to be complied with during occupation of the property.
- (viii) Maintenance methodology for safe working at height including access requirements, location of any anchor points, gates, and transport of materials such as green waste removal.
- (ix) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (b) Prior to the issue of a Construction Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
- (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

#### **(107) ACCESSIBLE GREEN ROOFS**

- (a) A detailed green roof design including plans and details drawn to scale, and technical specification, by a qualified landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
  - (i) A statement that includes details of proposed use of the accessible green roofs, common and private open spaces, accessibility, and any noise and privacy treatments.
  - (ii) An additional 2 fixed bench seats to the Level 3, Building C roof terrace.
  - (iii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, fixed furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iv) Engineers report confirming structural capacity of building for proposed roof terrace loads.

- (v) Updated wind study confirming suitability of all accessible roofs for their intended use.
  - (vi) Details of soil types and depth including any mounding.
  - (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (viii) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (ix) Green roof maintenance plan. This plan is to be complied with during occupation of the property.
  - (x) Maintenance methodology for safe working at height including access requirements, location of any anchor points, gates, and transport of materials such as green waste removal.
- (b) Prior to the issue of a Construction Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
  - (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
  - (d) Accessible green roofs must remain accessible for the lifetime of the property.

#### **(108) CAR PARK VENTILATION**

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.

#### **(109) CAR WASH BAYS**

- (a) All car wash bays must have connections to water and sewer.
- (b) All car washing must be conducted in a wash bay which is roofed and bunded to exclude rainwater, and which is graded to an internal drainage point connected to sewer in accordance with the trade waste agreement obtained from Sydney Water. Car wash run off must not enter the stormwater drainage system or give rise to water pollution.

#### **(110) DEWATERING**

If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

*NOTE: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. permanent dewatering around a development site, because it considers such development to be unsuitable. For this reason any proposed basement or other area that requires dewatering on an on-going basis may need to be fully tanked.*

#### **(111) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – *The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and AS1668.1 – *The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings*.

#### **(112) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1 and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 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 and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any 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 A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

#### **(113) WASTE WATER RECYCLING - ADDITIONAL APPROVALS**

Approval must be obtained from the City's Health and Building Unit under section 68 of the Local Government Act 1993 to install and operate a system of sewage management or a network operator/retailers licence must be obtained from the Independent Pricing and Regulatory Tribunal to install and operate a system of sewage management under the Water Industry Competition Act 2006.

This includes any private recycled water schemes that involve the installation and operation of sewer management system processing, grey water, black water and where sewer mining is proposed.

The installation and operation of any proposed waste water treatment facility must not be undertaken until the relevant approvals have been sought and obtained.

#### **(114) WASTE WATER TREATMENT DEVICES**

All waste water treatment, containment and management devices (including drainage systems, sumps, grease traps & pumps) must be regularly maintained in good working order to ensure that they remain effective. Silt and gross pollutant traps must be fitted in all new stormwater pits.

A maintenance schedule must be developed and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control legislation and NSW Environmental Protection Authority requirements.

#### **(115) ALIGNMENT LEVELS – MAJOR DEVELOPMENT**

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

#### **(116) LETTERBOXES**

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.
- (b) Letterboxes are to be discreetly located, shall not obstruct and/or dominate the public way and shall be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

### **(117) PAVING MATERIALS**

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

### **(118) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

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

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

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

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

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

### **(119) PRESERVATION OF SURVEY MARKS**

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

the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

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

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

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

#### **(120) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying and Spatial Information 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 NSW Land Registry Services.

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

#### **(121) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.



## **(122) PUBLIC DOMAIN LIGHTING**

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

## **(123) PUBLIC DOMAIN WORKS BOND**

- (a) Public Domain Works Deposit will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, 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 or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for completion of the obligations under this consent (Guarantee).
- (b) 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 approval being issued for the public domain plan.

- (c) The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Sydney standards and approval 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 security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

#### **(124) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

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

#### **(125) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works.

#### **(126) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

- (a) Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, a detailed engineering design for drainage including calculations and design for the stormwater overland flow path for the development must be:
  - (i) Prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and
  - (ii) Prepared in accordance with the City of Sydney's Stormwater Drainage Manual, technical specifications, standards and policies, as amended from time to time; and
  - (iii) Submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Accredited Certifier.
- (b) For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be

submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.

- (i) The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.
- (ii) All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to any Occupation Certificate being issued.

### **On-site Detention**

- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.
  - (i) Evidence of the approval by Sydney Water of the detailed design for on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Accredited Certifier prior to any Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.
  - (ii) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

### **Stormwater Quality Assessment**

- (d) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by City of Sydney and a copy of the City's letter of approval must be provided to the Accredited Certifier.

The stormwater quality assessment must:

- (i) Be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design;
- (ii) Use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and
- (iii) Demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;

- b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.
- (iv) Include certification from a suitably qualified practising professional that the requirements of parts (d) (i), (ii) and (iii) of this condition have been met.

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

### **Completion / Works-as-Executed Documentation**

- (e) Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:
- (i) All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.
  - (ii) Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked.
  - (iii) Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the Public Domain Manual, the Stormwater Drainage Manual, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.
- (f) Prior to the issue of any Occupation Certificate, or before the use commences (whichever is earlier):
- (i) A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifier;
  - (ii) A Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifier. The Works-as-Executed plan must

be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;

- (iii) A Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifier;
- (iv) Evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifier;
- (v) The Principal Certifier must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

#### **(127) FLOOR TO CEILING HEIGHT**

Prior to a Construction Certificate being issued, the Accredited Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

#### **(128) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);

- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

***Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2017).***

#### **(129) INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING (DEMOLITION / CONSTRUCTION WRAPS)**

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.
- (b) The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

Note: The scaffolding system on which a required artwork wrap is to be installed must be designed to safely and adequately accommodate and support the wrap mesh material on which the artwork is printed/displayed. This includes designing the scaffold to address potential increased wind loads that may be encountered in the locality.

#### **(130) NOMINATED ENGINEERING WORKS SUPERVISOR – MAJOR INFRASTRUCTURE**

Prior to issue of a Road Opening Permit for works in the public domain, the developer shall give Council written notification of the appointment of either:

- (a) A Chartered Civil Engineer, with National Engineering Registration (NER 3) in the construction of civil works, or

- (b) A survey company of Registered Surveyors with accreditation from the Institution of Surveyors NSW Inc, or
- (c) An accredited certifier in civil engineering, as its nominated engineering works supervisor, the responsibility of whom shall be to sufficiently supervise the works to ensure compliance with all relevant statutory requirements, all relevant conditions of development consent, construction requirements detailed in the above specification, and the requirements of all legislation relating to environmental protection and work health and safety.

On completion of the works the nominated engineering works supervisor shall certify that the works have been constructed in accordance with the approved plans, specifications and conditions of approval, and that the "Works as Executed" plans are a true and correct record of what has been built. The works supervisor shall be independent of the Principal Certifier.

#### **(131) PUBLIC DOMAIN DAMAGE DEPOSIT**

- (a) A Public Domain Damage Deposit calculated on the basis of 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 or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- (b) The Guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.
- (c) The Guarantee in this condition will be retained in full until the Public Domain Works Deposit Guarantee if required by this consent is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released.
- (d) ***If no public domain works are required the Guarantee in this condition 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. The Guarantee will be released in full unless rectification works are required where upon 90% of the total securities will be released, with the remaining 10% to be retained for the duration of a 6 months Defect Liability Period.***

#### **(132) ROAD NETWORK AND GEOMETRIC ROAD DESIGN**

- (a) Preparation of the detailed design and construction documentation for the proposed public road system shall include all necessary liaison with and requirements of all relevant public utility authorities, Roads and Maritime Services, Council, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to Council with the road design submission.

- (b) The design and construction of all road works shall be undertaken in accordance with City of Sydney's *Sydney Streets Technical Specification* and the *Public Domain Manual*. Detailed plans, construction details and specifications for the works shall be prepared and submitted to Council for approval prior to issue of a Construction Certificate, excluding for approved preparatory or demolition work, or before issue of an approval required under Section 138 of the *Roads Act 1993* for the road and drainage, infrastructure work. The detailed plans and supporting documentation shall include as a minimum the following information;
- (i) General subdivision plan with contour details, clearly indicating the extent of work;
  - (ii) Road cross sections showing road and footway widths, existing levels, design levels, cross fall grade pavement configuration, batter slopes, engineered retaining walls, kerb returns, kerb and gutter, vehicle crossovers, pedestrian ramps, the location of public utility services and 900mm minimum road restoration to match smoothly into the existing road levels;
  - (iii) Plan drawing and longitudinal section showing gutter invert, kerb and boundary alignments with design grades of the existing and proposed future public road network including public utility services;
  - (iv) Road design and drainage plans showing the following:
    - a. road pavement structure and design;
    - b. kerb, gutter and building alignment;
    - c. traffic management structures / measures;
    - d. traffic, pedestrian and parking signage;
    - e. details of intersections with existing roads including line-marking, pavement marking, sign-posting, swept paths for the largest expected vehicle;
    - f. on-road bicycle route infrastructure and facilities;
    - g. drainage plans and schedule of drainage elements, showing the following:
      - i. The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
      - ii. The location of public utility services;
      - iii. Details and specifications for the construction of all components of the system in accordance with the *City of Sydney's Sydney Streets Technical Specification*;



- iv. All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage, including requirements of broader stormwater catchment analysis to undertaken beyond the site boundary;
  - v. Drainage details and longitudinal sections with hydraulic grade lines for the design storm and other standard features such as flow rates, pipe class, pipe grade and velocity;
  - vi. Adjustments/upgrades to utility services as required;
  - vii. Standard engineering and structural details plan;
  - viii. Erosion and sedimentation control plans;
  - iv. A design certification report for the road works prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All design documentation shall be completed in accordance with the relevant standards and specifications as adopted by Council from time to time. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practising professional engineer.
- (c) The road and drainage works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

### **(133) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

### **(134) WORKS REQUIRING USE OF A PUBLIC PLACE**

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

### **(135) CONSTRUCTION METHODOLOGY STATEMENT**

- (a) A Construction Methodology report addressing how the Rose Valley Way pavement is to be constructed over the upgraded Green Square Trunk Drainage Channel must be submitted to and approved by Council prior to a Construction Certificate being issued.

#### **(136) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES**

- (a) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:
  - (i) The *Swimming Pools Act 1992* and Regulations.
  - (ii) The swimming pool must have safety barriers installed in accordance with the requirements of AS 1926.1 - 2007 - 'Safety barriers for swimming pools' and AS 1926.2 - 2007 'Location of safety barriers for swimming pools'.
  - (iii) Australian Standards 1926.3 - Water Recirculation and Filtration; and
  - (iv) *Protection of the Environment Operations Act 1997*

#### **(137) SWIMMING POOL - CONSULTATION WITH ENERGY AUSTRALIA**

Energy Australia must be consulted in respect to the location of the proposed swimming pool relative to any overhead electrical wiring within a distance of 9 metres around the pool. Details of consultation with Energy Australia are to be submitted to the Accredited Certifier prior to a Construction Certificate being issued.

#### **(138) SWIMMING POOL - WASTE AND OVERFLOW WATERS**

Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Construction Certificate to the satisfaction of Council or the accredited certifier and approved by the Accredited Certifier.

#### **(139) SWIMMING POOL/SPA**

Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the *Public Health (General) Regulation 2012*. Note: Guidance may also be obtained from the NSW Health Department's *Public Swimming Pool and Spa Pool Guidelines*.

#### **(140) GENERAL SITE REQUIREMENTS**

- (a) Access for emergency vehicles shall be provided to and within the site area at all times for the duration of the event including bump in and bump out periods.
- (b) Perimeter security fencing shall incorporate sufficient opening exit gates to provide access to emergency services and adequate egress in an emergency situation for the intended event capacity. All exit gates shall be clearly indicated with conspicuous 'Exit' signage.
- (c) All mechanical and electrical installations including generators, electrical cabling and any mobile structures shall comply with AS/NZS 3002 and be surrounded or covered by appropriate physical barriers so as to prevent

unauthorised access by the public at all times and to prevent ground laid cabling from being a trip hazard during public use of the site.

- (d) Appropriate fire fighting equipment shall be available for installations such as generators, power boxes, mechanical systems, food stalls and the like, which may be utilised on site during normal occupation times.
- (e) Any "Display Boards", viewing screens, temporary signage and artwork used on site shall be adequately secured to prevent toppling or otherwise falling due to wind effects.

#### **(141) ELECTRICITY SUBSTATION**

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

#### **(142) SYDNEY WATER CERTIFICATE (TAP-IN)**

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at [www.sydneywater.com.au](http://www.sydneywater.com.au), (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

#### **(143) TELECOMMUNICATIONS IN NEW DEVELOPMENTS**

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Accredited Certifier that arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

#### **(144) TELECOMMUNICATIONS PROVISIONS**

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

#### **(145) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

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

#### **(146) WASTE AND RECYCLING COLLECTION CONTRACT**

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

#### **(147) CONSTRUCTION AND FITOUT OF FOOD PREMISES**

The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website [www.standards.com.au](http://www.standards.com.au).

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au) or by visiting the website [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

#### **(148) COOLROOMS**

Cool room(s), refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *Building Code of Australia*, and:

- (a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) Must be fitted with a door that can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.

#### **(149) GREASE AND LIQUID WASTE TRAPS**

- (a) A grease trap if required by Sydney Water must be installed in accordance with Sydney Water requirements and:
  - (i) Must be installed by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*;
  - (ii) The grease trap must not be located in any kitchen, food preparation or food storage area;
  - (iii) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
  - (iv) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.
- (b) In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas and must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

#### **(150) HOT WATER SERVICE**

The capacity of the hot water service must ensure that a constant supply of hot water is provided to the premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices* and general requirements.

#### **(151) PERSONAL LOCKERS**

Clothing lockers or change rooms for male and female staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas, in accordance with *AS4674 - Design, Construction and Fit out of Food Premises*.

#### **(152) WASTE STORAGE AREA**

- (a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Policy for Waste Minimisation in New Developments*, and must be:
  - (i) Provided with a hose tap connected to the water supply.
  - (ii) Paved with impervious floor materials.
  - (iii) Coved at the intersection of the floor and walls.
  - (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
  - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the Protection of the Environment Operations Act 1997 or a nuisance.
  - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
  - (vii) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
  - (viii) Appropriately managed so that it does not attract pests or create litter.
- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of an Occupation Certificate.

#### **(153) NOTIFICATION OF CONDUCT OF FOOD BUSINESS**

- (a) The use shall not commence until the food business has notified Council with their food business details in accordance with the Food Act 2003 and The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4.
- (b) An Occupation Certificate will not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website  
[www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)

#### **(154) COOKING EQUIPMENT AND VENTILATION**

Cooking must not commence until an air handling system, in accordance with Part F4.12 of the BCA is approved, installed and operational. Cooking is defined as the process of changing any food from raw to cooked by applying heat, and also includes the preparation of food by heating it. This definition does not include heating food in a microwave, a sandwich press, a toaster or similar, unless the kW or MJ combined or separate exceed that specified in the BCA, or if the use of such equipment generates excessive heat, condensation or grease. Cooking equipment that requires an air handling system is specified in AS1668.2 and BCA F4.12.

#### **(155) WASTE/RECYCLING COLLECTION**

- (a) The collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

## **SCHEDULE 1C**

### **DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION**

#### **(156) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to 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.

#### **(157) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane 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 outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

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 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **(158) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW



Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*

- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate;
- (d) if the discovery is on Council's land, Council must be informed.

**(159) BASIX**

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

**(160) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting*. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

**(161) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

**(162) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of 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 construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;

- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

**(163) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) 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 Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of (EHO to specify hours)
- (b) 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*.

**(164) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(165) ENCROACHMENTS – PUBLIC WAY**

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

**(166) COVERING OF LOADS**

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

**(167) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period:-

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

#### **(168) HAZARDOUS AND INDUSTRIAL WASTE**

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 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 Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2017.*

#### **(169) NON-ROAD FRONTAGE SHOP NUMBERING - EASE OF IDENTIFICATION**

Prior to any Occupation Certificate being issued, shop numbers must be clearly visible at the front of the premises, for ease of identification. Numbering must be maintained so that identification can be made at all times.

#### **(170) RAINWATER HARVESTING & RAINWATER TANKS**

##### **(a) Use**

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.

##### **(b) Installation requirements**

All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500:2003. 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.

Rainwater tanks shall be designed to include, but not be limited to the following:-

- (i) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
- (ii) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
- (iii) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
- (iv) 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.

- (v) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (vi) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.
- (vii) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (viii) 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.

Rainwater tanks that are not directly connected with the potable supply, the indirect connection shall be by means of a visible "air gap" external to the rainwater tank, in accordance with the provisions of the National Plumbing Code AS /NZS 3500 - Minimum air gap requirements.

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

- (ix) 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.

#### (c) Proximity to other services

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

#### (d) Marking and labelling

- (i) 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.
- (ii) Below ground distribution pipes shall be continuously marked 'RAINWATER' at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.

- (iii) 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.

(e) Maintenance

- (i) 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.
- (ii) 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.

**(171) STREET NUMBERING – MAJOR DEVELOPMENT**

Prior to any 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.

**(172) SYDNEY WATER CERTIFICATE**

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

**(173) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

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

**(174) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) 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 and Section 138 of the Roads Act 1993 must be obtained.

#### **(175) NO OBSTRUCTION OF PUBLIC WAY**

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

#### **(176) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane 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 outside of approved hours of construction can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

## **SCHEDULE 1D**

### **(177) AUSGRID CONDITIONS**

#### **(a) Overhead Powerlines**

- (i) Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.
- (ii) The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, [www.ausgrid.com.au](http://www.ausgrid.com.au)
- (iii) It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.
- (iv) Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.
- (v) It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

#### **(b) Underground Cables**

- (i) Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.
- (ii) Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.
- (iii) Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

#### **(c) Supply of Electricity**

- (i) It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- a. The existing network can support the expected electrical load of the development
  - b. A substation may be required on-site, either a pad mount kiosk or chamber style and;
  - c. Site conditions or other issues that may impact on the method of supply.
- (ii) Please review Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au) about how to connect to Ausgrid's network.

#### **(178) SYDNEY AIRPORT CONDITIONS**

- (a) The building **must not exceed** a maximum height of **67.8 metres AHD**, this **includes all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden planting, exhaust flues etc.
- (b) The building **must be obstacle lit** by low intensity steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure that the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Civil Aviation Safety regulations 1998 Manual of Standards Part 139 – Aerodromes (the MOS). Characteristics for low intensity lights are stated in subsection 9.4.6 of the MOS.
  - (i) If at any time after the height of the buildings has reached 51 metres AHD, the crane(s) used to construct the building are removed and no other crane(s) are in place then the Proponent **must arrange** for the highest point of the building to be obstacle lit with low intensity steady red lighting during the hours of darkness. The obstacle lights **must be arranged** to ensure the lighting can be observed in a 360 degree radius as per subsection 9.4.3 of the MOS.
- (c) The proponent **must ensure** obstacle lighting is maintained in serviceable condition and any outage immediately notified to SACL.
- (d) Following completion of the building, the Proponent **must advise** SACL, in writing:
  - (i) That the future owner(s)/manager(s) of the building **have been informed** of their **obligation to maintain** the obstacle lighting in accordance with conditions of this approval; and
  - (ii) The contact details of the person/position **responsible for the maintenance** of the obstacle lighting are sent to SACL. These details **must be reviewed regularly** and kept up to date.
- (e) Separate approval **must be sought** under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitments to construct.



- (f) The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing [ifp@airservicesaustralia.com](mailto:ifp@airservicesaustralia.com) and quoting YSSY-CA-243.
- (g) On completion of construction of the building, the Proponent **must provide** the airfield design manager with a written report from a certified surveyor on the finished height of the building.

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

**The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:**

Clause 98      Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A    Erection of signs

Clause 98B    Notification of *Home Building Act 1989* requirements

Clause 98C    Conditions relating to entertainment venues

Clause 98D    Conditions relating to maximum capacity signage

Clause 98E    Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

## SCHEDULE 3

### TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by *Water NSW* are as follows:

- |              |  |
|--------------|--|
| GT0062-00001 | Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.   |
| GT0063-00001 | An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.  |
| GT0064-00001 | An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.  |
| GT0065-00001 | The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.  |
| GT0066-00001 | The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.  |
| GT0067-00001 | Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural |

soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

- |              |  |
|--------------|--|
| GT0068-00001 | Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.  |
| GT0069-00001 | The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.  |
| GT0070-00001 | Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.   |
| GT0071-00001 | Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure. |

## **Attachment B**

**Meriton email requesting modifications to  
recommended conditions 22.06.20**

## Ben Chamie

---

**From:** Walter Gordon <walterg@meriton.com.au>  
**Sent:** Monday, 22 June 2020 4:00 PM  
**To:** Andrew Thomas; Ben Chamie  
**Subject:** 94-104 Epsom Road  
**Attachments:** Correspondance.pdf

Andrew and Ben,

We are disappointed with the proposed conditions as they do not allow construction activity to commence upon Development Application approval because many conditions require further approval by Council before we start on site, which was sought in our letter dated the 13 May 2020 and email dated the 29 April 2020. The conditions sought to be changed are consistent with what was changed for 811 Elizabeth Street, and it would be better to change them now rather than after the CSPC.

For settlement to proceed, the conditions must be amended as follows and the retaining wall encroachment resolved as we are not getting a clear title.

### **Condition 2(e) Colours and designs**

Delete Colours and designs are notated on the DA plans.

### **Condition 2(f) – Music Room**

Delete. Any requirement for a music room should have been sought during the design competition and excluded from floor space calculations. Consistent with 811 Elizabeth Street Zetland, this condition is to be deleted.

### **Condition 3 – Plenum - timing**

The information requested does not affect any works below ground level. As with 811 Elizabeth Street Zetland, this condition be reworded to provide the information prior to above ground works. Note in general, we object to the entire condition.

### **Condition 4(a) – paving in communal open space.**

Communal open space has been provided in accordance with the ADG and is onerous by excluding pathways. Communal open space requires access and there is nothing saying pathways are to be excluded. No condition for 811 Elizabeth St Zetland required this.

### **Condition 4 – put back original extent of green roofs**

This has no effect on above ground works and the information must be provided to Council prior to the final fitout construction certificate.

### **Condition 5 tree management and design**

Delete – this can require a total redesign which is unacceptable. The condition should only require the protection of the trees during construction. No such similar condition was required for 811 Elizabeth Street Zetland.

### **Condition 7(a)(i) – Design Architect involvement**

Remove the wording contract documentation. Architects are not involved with contracts as they are sensitive business details.

**Condition 10(b) – Public Art timing**

This condition was amended for 811 Elizabeth Street to have the information prior to the issues of a fitout construction certificate. We request this to be the same for consistency, given the time it take to get approved.

**Condition 10(c)**

This condition was amended for 811 Elizabeth Street to have the public work installed prior to the issue of the first Occupation Certificate for the last building within the development. We request this to be the same for consistency, given the time it take to get approved.

**Condition 11 – Waste Management**

A Waste Management plans was submitted. Why are we having to get approval again?

Do we comply

**Condition 13(a) - Root Investigation**

Timing should be prior to a shoring wall construction certificate along Epsom Road.

**Condition 20(a) – Public Domain**

The consent for 811 Elizabeth Street Zetland required a public domain plan to be approved prior to the issue of the public domain construction certificate as it does not relate to the construction of the development on private land. This must be amended accordingly.

**Condition 21 - Contributions**

We are very disappointed that this condition was not staged as requested given the COVID-19 pressure on financing projects. The State Government has given clear guidance on this matter and under the unusual circumstances the conditions should at the very least be paid proportionately prior to occupation of each completed building.

**Condition 27 – Loading Dock Management Plan**

811 Elizabeth St was conditioned prior to occupation to be submitted and approved by Council. This condition should be amended as it is not related to construction.

**Condition 34 – Cost of Roads**

This condition is in correct. The VPA states the road construction is at the cost of Council. Please amend accordingly.

**Condition 35(b) - timing of information for bicycle parking**

811 Elizabeth St condition was amended to be submitted to Council prior to Construction Certificate for above-ground works. This should be prior to Occupation of the first building.

**Condition 43 and 44**

This is a typographical error. Condition 43 should relate to the RMS requirements and no separate DA Required for Use. Condition 44 should be Use – Separate DA Required as it relates to fitout of specific commercial /retail uses.

**Condition 52(d) - timing of information for acoustic report**

The timing of the approval by Council should be prior to the issue of the fitout construction certificate next to Gunyama Park. Acoustic requirements do not relate to the structure of the building and only relates to the units directly facing the park.

**Condition 53 - timing of information for excavation management plan**

Information should be prior to the construction certificate for the basement. Council should already have one during excavation already undertaken of the site and for the separate excavation DA lodged with the Council.

**Condition 91 - Demolition**

Delete – Council has already demolished buildings and excavated.

**Condition 92 - Dilapidation**

All reference to Gunyama Park to be removed. The park is not completed and Council has built retaining walls encroaching on the site to be purchased.

**Condition 93**

Typographical errors in the report.

**Condition 126(a) – Stormwater and Drainage**

The timing is inconsistent with how 811 Elizabeth Street was approved. Reference to any construction certificate be replaces with “a” construction certificate.

**Condition 129**

Typographical errors. The Note is for condition 128 and the remainder for the art works on scaffold.

**Condition 132**

Typographical errors. Relates to condition 131 and the Road Network and Geometric Road Design heading is for the next condition.

**Condition 157(a) – Hours**

Can you please include Saturday to 5.30pm for finishing concrete pours of large slabs and washing of concrete pumps.

These are the immediate conditions that will delay work commencing after a Development Application is approved as further Council approvals are required for construction certificates, which will delay settlement.

Can you please confirm that these conditions can be amended prior to the CSpC meeting as there are many people that rely on jobs to commence work during these difficult times.

Yours sincerely,

**Walter Gordon**

Head of Planning and Development



**Meriton Group**

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## Walter Gordon

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**From:** Walter Gordon  
**Sent:** Wednesday, 29 April 2020 2:00 PM  
**To:** 'athomas@cityofsydney.nsw.gov.au'; Ben Chamie; Cindy Ch'ng; Ross Meachin  
**Cc:** Norelle Jones  
**Subject:** 94 Epsom Road Zetland

Andrew,

Council now has everything to process the Development Application approval for 94 Epsom Road Zetland. The changes to the plans and reports have addressed all relevant comments and we now look forward to a recommendation for approval to the next CSPC meeting.

Draft conditions must be provided at least 2 weeks prior to the CSPC meeting to ensure the DA is operational in accordance with the contract of sale. This mean there are to be no conditions that require us to get further approvals from the Council.

As previously discussed, we request that payment of contributions occur at occupation. Our business is just like others. We have been hit hard with the closure of 90% of all Serviced Apartment/Hotel rooms across Australia. Just like other businesses, we need to carefully manage cashflow and keep people employed, and for us, we are not eligible for the Job Seeker payments, so it is even more paramount that contributions are payable at occupation.

To manage the cashflow, we are also going to construct in two stages. The first stage consists of us constructing buildings north of Rose Valley Way, and the second stage being south of Rose Valley Way. Therefore payment of contributions at occupation is to occur following completion of each stage. Under the current pandemic circumstances this the only way for us to manage construction commencing on site, and we would see this as being part of an operational consent in accordance with the contract of sale.

Can you please confirm when the next available CSPC meeting will take place, and that Council agrees with payment staging and occupation during these times.

Yours sincerely

**Walter Gordon**  
Head of Planning and Development



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13 May 2020

Ben Chamie  
Planning Assessments  
City of Sydney  
Town Hall House  
456 Kent Street  
SYDNEY NSW 2000

By e-mail: bchamie@cityofsydney.nsw.gov.au

Dear Ben

**D/2019/976 94-104 EPSOM ROAD, ZETLAND  
MIXED USE DEVELOPMENT – RESIDENTIAL APARTMENTS AND CHILD CARE CENTRE  
SECTION 7.11 DEVELOPMENT CONTRIBUTIONS**

We write with reference to our development application (DA) for a mixed use development at the above site. The additional information requested by Council has now been lodged; we trust that Council is now in a position to finalise the assessment of the DA and that we will shortly receive the draft conditions of consent for review.

We request that in drafting these conditions Council refer to Section 3.17.2 of our Statement of Environmental Effects (SEE) which requests that the wording of conditions relating to development contributions payable under Council's Development Contributions Plan be flexible enough for payment to be made in instalments. We further request that the timing for payments be deferred to prior to the Occupation Certificate of the final apartment for each component of the development that creates a demand for the services and facilities listed in the works schedule of the Contributions Plan.

In addition, and in light of the current pandemic and the flow on effects that this is having on the construction industry and wider economy we have reviewed the staging of this development and have determined that the future development of the site will proceed in three stages as follows:

- Stage 1 – Building A
- Stage 2 – Building B
- Stage 3 – Building C

Stage 1, involving the building fronting Gunyama Park, will commence immediately upon issue of a workable development consent. Stages 2 and 3 will proceed at a later date in response to market conditions.

Finally, we would like to take this opportunity to remind Council of the provisions of the Sale Contract, which stipulate that the sale is subject to the issue of a workable development consent and that development conditions applied to the consent must not require further approvals from Council before a Construction Certificate may be issued.

Yours faithfully  
**Karimbla Constructions Services (NSW) Pty Ltd**



Walter Gordon  
Head of Planning & Development