

Attachment A

Recommended Conditions of Consent
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CONDITIONS OF CONSENT

SCHEDULE 1

(1) STAGED CONSTRUCTION AND OCCUPATION CERTIFICATES

- (a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate and occupation certificate (as identified) for each stage as follows:

Stage	Works
1	Demolition
2	Subdivision
3	Construction and occupation of the boarding house and associated public domain works
4	Construction and occupation of the terrace dwellings and associated public domain works

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2017/1552 dated 10 November 2018 and the following drawings prepared by DKO Architecture Pty Ltd:

Drawing Number	Drawing Name	Date
DA101 Rev D	Site Plan	30 May 2018
DA200 Rev D	Ground Floor Plan	30 May 2018
DA201 Rev D	Lower Ground Floor Plan	30 May 2018
DA202 Rev D	Level 1	30 May 2018
DA203 Rev D	Level 2	30 May 2018
DA204 Rev D	Level 3	30 May 2018
DA205 Rev D	Roof Plan	30 May 2018

Drawing Number	Drawing Name	Date
DA300 Rev D	Elevations	30 May 2018
DA301 Rev D	Elevations	30 May 2018
DA302 Rev D	Elevations	30 May 2018
DA303 Rev A	Elevations	30 May 2018
DA304 Rev D	Sections	30 May 2018
DA305 Rev D	Materials Finishes	30 May 2018
DA306 Rev D	Finishes Board	30 May 2018
DA307 Rev A	Front Dormer Details	30 May 2018
37867	Plan showing proposed subdivision of Nos. 26-30 City Road & Nos. 31-33 Rose Street Chippendale	2 May 2017

and as amended by the conditions of this consent.

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

(3) DESIGN MODIFICATIONS – BOARDING HOUSE

The design of the building must be modified as follows:

- (a) Levels 2 and 3 of the boarding house building are to be setback from the rear building line by 6 metres.
- (b) The screen to the front of the substation is to be setback to align with the glass line of the Foyer⁵¹ entrance.
- (c) The wall in front of the water/gas meter box creating a niche is to be deleted.
- (d) The awning on City Road is to be setback from the kerb a minimum of 1 metre, with the minimum width of the awning being 2 metres.
- (e) Fixed external shading devices are required to the west facing boarding room windows and expressed on the plan in typical construction details (1:10).

- (f) An external drying area is to be provided.
- (g) The operability of windows and doors is to be annotated on the plans.
- (h) A continuous masonry parapet on the roof of the boarding house and integrated with the architecture of the building is required to conceal services and vents. The parapet is to be the height of the lift overrun and be setback as follows:
 - (i) The northern, eastern and southern elevations of the parapet are to be setback from the edge of the roof by 1.5 metres.
 - (ii) The western elevation of the parapet is to be aligned with the corresponding elevation of the lift overrun.
- (i) Gross floor area plans are required to be submitted demonstrating that the development does not exceed a floor space ratio of 2:1 in accordance with the definition under the Sydney LEP 2012.

The modifications are to be submitted to and approved by Council's Director of City Planning, Development and Transport prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1.

(4) DESIGN MODIFICATIONS – TERRACE HOUSES

The rear of the terrace dwellings must be amended in accordance with figure 4.8 of the Sydney DCP 2012 such that:

- (a) The main roof is a pitched roof compatible with the form of adjoining terrace dwellings.
- (b) A maximum two storey wing with skillion roofs not exceeding the eaves height of the main roof may be provided. The wings of the dwellings must adjoin at the boundary with a 900mm setback provided to nos. 29 and 35 Rose Street respectively.
- (c) If rear roof extensions are proposed to the terrace dwellings, the external faces of the extensions are to be:
 - (i) Set back a minimum of 500mm from side walls as measured from the inner edge of the party or side walls.
 - (ii) Set down a minimum of 200mm below the ridge line as measured along the roof slope from the ridge.
 - (iii) Set back a minimum of 200mm from the rear wall as measured along the roof slope from the outer face of the wall.
 - (iv) The roof of the extension must have a minimum 5 degree pitch, and slope down from the ridge towards the rear elevation of the property.
 - (v) The flashing or waterproofing of the rear roof extension is not to span the roof ridge and is not to be visible from the front street.

- (vi) The external walls of the extension must be clad with weatherboards, corrugated steel or a similar profiled material.
- (d) The street elevation is to be designed in detail with a traditional relationship between solid and glazing with vertical proportioned openings with timber joinery.
- (e) Deep soil is to be provided to the rear of the terrace dwellings equal to 15% of the combined site area of lots 21 and 22 in accordance with section 4.1.3.4 of the Sydney DCP 2012.
- (f) Gross floor area plans are required to be submitted demonstrating that the development does not exceed a floor space ratio of 1.5:1 in accordance with the definition under the Sydney LEP 2012.

The modifications are to be submitted to and approved by Council's Director of City Planning, Development and Transport prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1.

(5) CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH PRECINCT

Council has identified the terrace dwellings 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 Section 94 Contributions Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
(a) Open Space	\$32,574.09
(b) Community Facilities	\$6,186.93
(c) Traffic and Transport	\$15,200.73
(d) Stormwater Drainage	\$6,011.53
Total	\$59,973.28

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

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = Is the contribution at time of payment;

C_{consent} = 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 – 113.6 for the March 2018 quarter.

The contribution must be paid prior to the issue of any Construction Certificate under stage 4 of the development as identified under condition 1.

Please contact Council's Planning Administration staff at 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 or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

(6) EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (NCC)*. Prior to the issue of a Construction Certificate and Occupation Certificate 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 NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

(7) MATERIALS AND SAMPLES BOARD

A physical materials sample board including specific detailing of all proposed materials, finishes and colours, including visible rainwater goods and services, must be submitted to and approved by Council's Director of City Planning, Development and Transport prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1. The updated materials and samples board must not include generic material or colour descriptions, or use terminology such as 'or similar'. The sample board must be clearly cross referenced to the elevations, and must notate all building elements at a readable scale when printed.

(8) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications approved under condition 7.

(9) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1. The CTMPs must be prepared in accordance with Council's requirements, located at –

<http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

- (b) The development must be undertaken in accordance with the CTMPs approved under (a) above.

(10) ALLOCATION OF PARKING

- (a) 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 the Principal Certifier prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1.

Car Parking Type	Number
Boarding house spaces	2
Motorcycle parking	4
Total	6

(11) SERVICING OF THE SITE

- (a) Servicing of the boarding houses is to be undertaken from the loading zone on City Road adjacent to the site.
- (b) In the event that the loading zone is removed, all servicing for the boarding house must be undertaken from the rear of the boarding house adjoining Myrtle Lane. In this instance all servicing is to be undertaken within the boundaries of the site.

(12) 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
Foyer51 boarding house	22	Spaces must be Class 2 bicycle facilities
SGCH boarding house	5	Spaces must be Class 2 bicycle facilities
Retail	1	Spaces must be Class 2 bicycle facilities
Personal lockers	Number	
Boarding houses	4	
Retail	1	

- (b) The retail bike parking space is to be provided within or immediately adjacent to the retail premise.
- (c) The lockers for the boarding house are to be located in a secure area for staff.
- (d) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principal Certifier confirming prior to the Construction Certificate being issued.

(13) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, 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 any Construction Certificate relevant to that stage of construction of the development under condition 1. The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).

- (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
 - (v) Details of the soil media/substrate type and depth.
 - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate relevant to that stage of development under condition 1, the following details are to be submitted to and approved by the Principal Certifier:
- (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate relevant to that stage of the development under condition 1.
- (d) Prior to the issue of an Occupation Certificate relevant to that stage of development under condition 1, a maintenance plan is to be submitted and approved by the Principal Certifier. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.

(14) LANDSCAPING OF THE SITE

- (a) Detailed landscape plans, 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 any Construction Certificate relevant to that stage of construction of the development under condition 1. The plans must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems.
- (b) A maintenance plan is to be submitted to and approved by the Principal Certifier prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued relevant to that stage of development under condition 1.

(15) PLAN OF MANAGEMENT

- (a) The Plan of Management is to be updated to state that the on-site manager residing on the top floor will be responsible for boarding rooms within the Foyer51 and SGCH boarding houses.
- (b) A final Operational Plan of Management for both boarding houses in accordance with the plan submitted with the application is to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1.

(16) USE OF THE COMMUNAL COURTYARDS

The communal courtyards for both boarding houses are permitted to be used from 7am to 10pm every day. Boarding house residents and staff are not permitted access to these spaces outside these times.

(17) PUBLIC ART

- (a) Final details of the proposed public art work must be submitted to and approved by the City's Area Planning Manager prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1. 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 (2006).
- (b) The public art work must be installed to the City's satisfaction prior to the issue of any Occupation Certificate for the boarding houses.

(18) ACCOMMODATION - REGISTRATION AND CARETAKER

Prior to occupation of the boarding houses, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

(19) BOARDING HOUSE - USE AND OPERATION

- (a) The boarding rooms are permitted a maximum occupancy of one person per room.
- (b) Boarding rooms must not be rented for short term accommodation, that is, less than 3 months at any one time.
- (c) The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010, the Boarding Houses Act 2012 and regulations thereunder and the *Sydney Development Control Plan 2012 – 4.4.1*.

(20) HEALTH DATABASE REGISTRATION

The boarding house is to be registered with Council's Health and Building Unit prior to the issue of any Occupation Certificate for that part of the development. Registration forms are available on Council's website www.cityofsydney.nsw.gov.au or by calling Council's Health Unit on 02 9265 9333.

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Consulting ttm, 'Noise impact assessment report' revision 2, 13th Sept 2017, Trim 2017/566630 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to occupation of the boarding house in accordance with the

requirements of (b) and (c) below and to the satisfaction of the certifying authority.

- (b) Prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1, 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 DA acoustic report prepared by Acoustic Report prepared by Acoustic Consulting ttm, 'Noise impact assessment report' revision 2, 13th Sept 2017, Trim 2017/566630
- (c) Prior to the issue of any Occupation Certificate relevant to that stage of the development under condition 1, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

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.

(22) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate relevant to that stage of construction of the development under condition 1.

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.

(23) 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 submitted Demolition, Excavation and Construction Management Plan approved in accordance with condition 21.
- (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.

(24) PROTECTION OF NEIGHBOURING AND STREET TREES

The design must be modified as follows:

- (a) All detailed architectural, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Construction Certificate must show the retention of Trees A and B as required by these conditions of consent, the position of their trunks, full diameter of their canopies, Tree Protection Zones (TPZs) and Structural

Root Zones (SRZs) shall be clearly shown on all drawings. All drawings shall show the retention of the existing boundary retaining wall and that there is no excavation (including for drainage), benching or battering between the alignment of the pre-existing building wall/footings and the trees.

- (b) All detailed architectural and building plans shall show an appropriate awning design to the City Road frontage that will facilitate the viable development of the required street tree species. In accordance with the City's Street Tree Master Plan the street trees are to be *Lophostemon confertus* – Brush Box.

The modifications are to be submitted to and approved by Council prior to a Construction Certificate being issued.

(25) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below are approved for removal

Table 1 – Trees to be removed during the development works

Tree No:	Botanical Name / Common Name	Location
1, 2	Casuarina cunninghamiana (River She Oak)	Front
3, 8	Cinnamomum camphora (Camphor Laurel)	Side
4,9	Celtis sinensis (Chinese Hackberry)	Within site
5,6	Olea europaea var cuspidata (African Olive)	Within site
10	Callistemon viminalis (Weeping Bottlebrush)	Rear
11	Jacaranda mimosifolia (Jacaranda)	Rear

- (b) Reference should be made to the Arboricultural Impact Assessment Report prepared by Tree iQ and dated 10 April 2018 for tree numbering and locations.
- (c) All tree removal 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.
- (d) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site and removes the animal or the animal relocates itself.

(26) TREES THAT MUST BE RETAINED

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

Table 2 – Tree Retention

Tree No:	Botanical / Common Name	Location
A	Corymbia citriodora (Lemon Scented Gum)	Adjacent site
B	Jacaranda mimosifolia (Jacaranda)	Adjacent site

- (b) Reference should be made to the Arboricultural Impact Assessment Report prepared by Tree iQ and dated 10 April 2018 for tree numbering and locations.

(27) PRUNING SPECIFICATION

A Pruning Specification for Tree C (*Eucalyptus microcorys* - Tallowwood) prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of any Construction Certificate relevant to that stage of the development under condition 1. The report must include the number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed.

- (a) The report must include 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).
- (b) A maximum of 5% canopy removal and maximum of 150mm diameter (at point of attachment) branches will be permitted by Council. Provision shall be made in the design and installation of temporary structures such as hoarding and scaffolding for the retention and protection of as many branches as possible. Consideration shall be given to temporarily tying back branches or modifying temporary structures to minimise branch removal.

(28) TREE PROTECTION ZONE

Before the commencement of works, the Tree Protection Zones (TPZ) within the subject site shall be established and marked out (where practical and excluding the area of the pre-existing building) and identified by signage for all trees to be retained not less than the distance indicated in the TPZ schedule below. Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. The existing retaining wall along the rear boundary shall remain intact within this zone.

TPZ Schedule

Tree No.	Species Name	Radius from trunk
A	<i>Corymbia citriodora</i> (Lemon Scented Gum)	7.2m
B	<i>Jacaranda mimosifolia</i> (Jacaranda)	6.8m

The following shall apply to works within the TPZ (setback between the site boundary and pre-existing building alignment)

- (a) Excavation, benching or battering shall not be undertaken for the installation of the new retaining wall (including drainage) on the eastern side of the approved ramp.
- (b) The existing retaining wall along the rear (eastern boundary) boundary shall remain insitu.
- (c) Soil levels shall not be altered between the existing retaining wall on the boundary and the alignment of the pre-existing building.
- (d) No actions shall be undertaken that will be detrimental to the health or structural integrity of the trees.
- (e) Demolition of the pre-existing building shall be undertaken under the direct supervision of, and as directed by, an AQF Level 5 Arborist. Certification from the Arborist that this condition has been satisfied shall be submitted to the City's Tree Management team for approval within 14 days of such works being carried out.
- (f) The pruning of any woody roots must be approved by an AQF Level 5 Arborist and undertaken by an AQF Level 3 Arborist (minimum qualification).

(29) SERVICES

- (a) Any trenching works for services / hydraulics / drainage etc must not be undertaken within a Tree Protection Zone (TPZ), and be referred to the Site Arborist with regard to tree protection, prior to commencement of any works.
- (b) 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 adjacent to the specified TPZ.

(30) SITE SUPERVISION AND REPORTING

- (a) An Arborist (the Project Arborist) with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework)

must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard 4970 'Protection of Trees on Development Sites'. The Arborist must certify compliance with each key milestone detailed below:

- (i) Installation of tree protection measures prior to any work (including demolition) commencing on the site.
 - (ii) Demolition of the pre-existing building shall be undertaken under the direct supervision of, and as directed by, an AQF Level 5 Arborist. Certification from the Arborist that this condition has been satisfied shall be submitted to the City's Tree Management team for approval within 14 days of such works being carried out.
 - (iii) During construction of the new retaining wall (including drainage) on the eastern side of the approved ramp.
 - (iv) Any required root pruning must be approved by an AQF Level 5 Arborist and undertaken by an AQF Level 3 Arborist (minimum qualification).
- (b) Within 14 days of each milestone compliance inspection a compliance report shall be submitted to the Council which provides details on the health and structure of tree to be retained and protected and must include:
- (i) Certification of compliance with each key milestone
 - (ii) Details of any other works undertaken on any tree to be retained or within TPZ/s.
- (c) Documentary evidence of compliance with tree protection and measures (including photographs and site notes).

(31) RETAIL FIT-OUT

This consent does not include the fit-out of the retail premise. The fit-out of the premise is subject to separate approval.

(32) HOURS OF OPERATION

The retail premise is permitted to trade from 7am to 10pm Monday to Sunday.

(33) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(34) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
- (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that;
- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the *NSW EPA Industrial Noise Policy* and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
 - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
 - (v) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

(35) SURVEY

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

(36) SURVEY CERTIFICATE AT COMPLETION

A survey and report, prepared by a Registered Surveyor, must be submitted at the completion of the building work detailing the location of the building in relation to the boundaries of the allotment by offset measurements and confirming whether the new construction work lies completely within the boundaries of the land.

(37) 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 109J of the *Environmental Planning and Assessment Act 1979*.

(38) SYDNEY WATER CERTIFICATE - SUBDIVISION

Prior to the issue of a Subdivision 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 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 Certifying Authority prior to any Subdivision Certificate being issued.

(39) LOTS 21 AND 22 TO BE CLEARED

Prior to the occupation of the boarding houses, proposed Lots 21 and 22 are to be cleared of all improvements and the site is to be cleaned, remediated and graded to the satisfaction of Council's Area Planning Manager.

(40) ENCROACHING AND/OR SHARED SERVICES

All pipes, service lines, gutters and the like servicing each lot shall be contained within their respective lots or, if any service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment or shared situation occurs.

(41) EASEMENT FOR DRAINAGE

An easement to drain water under section 88B of the Conveyancing Act is to be created on the title of the land over the existing storm water pipe on lot 10 DP 545694 as part of any subdivision of that land. Evidence of the creation of the easement is to be provided to Council prior to issue of a Subdivision Certificate.

(42) ADDITIONAL EASEMENTS AND COVENANTS

Aside from Easements mentioned in the above conditions, any further Easements and/or Covenants required as a consequence of the subdivision are to be created via Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

(43) 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 to obtain the correct street address for each lot.

(44) SUBDIVISION OF BOARDING HOUSES NOT PERMITTED

The strata and/or community subdivision of the boarding rooms and associated facilities is not permitted.

(45) WASTE AND RECYCLING MANAGEMENT

- (a) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (b) Prior to an 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.

(46) WASTE AND RECYCLING COLLECTION CONTRACT

- (a) Prior to any Occupation Certificate being issued for the boarding house 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.
- (b) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (c) 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.

(47) 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".

(48) 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.

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: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

(49) 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.

(50) 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 Certifier prior to a Construction Certificate being issued.

(51) APPROVED DESIGN ROOF - TOP PLANT

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

(52) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 34.600 (AHD) to the top of the lift overrun and RL 33.300 (AHD) to the top of the parapet.
- (b) Prior to any Occupation Certificate being issued for the boarding house, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

(53) 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.

(54) REFLECTIVITY

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

(55) 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.

(56) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade 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.

(57) FLASHINGS TO BOUNDARY WALLS

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

(58) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to any Occupation Certificate being issued relevant to that stage of the development under condition 1, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's 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.

- (d) 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.

(59) DILAPIDATION REPORT – MINOR

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Principal Certifier:

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

(60) 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 Occupational Certificate;
- (d) if the discovery is on Council's land, Council must be informed.

(61) SITES IN THE VICINITY OF A HERITAGE ITEM

The proposed works are to ensure that the building at no. 22-24 City Road is to be suitably protected during the construction process. The contractor or developer must conduct consultations with the stockholders of the neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during construction. The protection measures should be incorporated into the construction management plan. Details of the protection plan must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1.

(62) ALIGNMENT LEVELS - PUBLIC DOMAIN

- (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 any 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.

(63) 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 any Certificate of Completion being issued for Public Domain Works or before any Occupation Certificate is issued for the development, whichever is earlier.

(64) PRESERVATION OF SURVEY MARKS - PUBLIC DOMAIN

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 any 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).

(65) PROTECTION OF SURVEY INFRASTRUCTURE - PUBLIC DOMAIN

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

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

(66) PUBLIC DOMAIN PLAN

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

respect of the development or before the use commences, whichever is earlier.

- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(67) 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.

(68) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN

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

(69) DRAINAGE AND SERVICE PIT LIDS - PUBLIC DOMAIN

Drainage and service pit lids throughout the public domain shall be heel guard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and

Sydney Streets Technical Specification. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

(70) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES - PUBLIC DOMAIN

The level difference between ground floor building levels and the adjacent public footpath shall not exceed 1200mm. Detailed plans demonstrating compliance with this requirement must be submitted to and approved by Council as part of the Alignment Levels application prior to the issue of a Construction Certificate for any excavation, construction work or building work (whichever is earlier), excluding any approved preparatory or demolition work.

The following minimum floor levels shall apply to the design of buildings and structures on the site as recommended by WMA Water in their assessment dated 24/10/17:

Location	Min floor level – m A.H.D	Flood Planning Level requirement
Youth Foyer Entrance – City Road (north)	19.5m	0.3m above surrounding ground - complies
Lobby Entrance – City Road (middle)	19.85m	0.3m above surrounding ground - complies
Commercial entrance – City Road (south)	19.90m	0.3m above surrounding ground - complies

A certificate prepared by a Registered Surveyor stating that the floor levels have been constructed to meet the recommended minimum floor levels as per the WMA Water assessment dated 24/10/17 shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate relevant to that stage of the development under condition 1.

(71) PROTECTION OF STONE KERBS - PUBLIC DOMAIN

- (a) The existing stone kerbs on the City Road and Myrtle Lane frontages of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed.

Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate.

Note: all costs associated with the works are to be at no cost to the Council.

- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(72) PUBLIC DOMAIN DAMAGE DEPOSIT

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

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

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

(73) PUBLIC DOMAIN LIGHTING

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:
 - (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;

- (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(74) 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) 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 to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (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 is provided and maintained (Clauses 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 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 2011*).

(75) INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Principal Certifier, prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1.

(76) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Principal Certifier, prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1.

(77) INTERNAL LIGHTING SYSTEM

The proposed internal lighting system for the communal spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Principal Certifier prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1.

(78) TELECOMMUNICATIONS IN NEW DEVELOPMENTS

Prior to the issue of the Subdivision Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to

provide evidence satisfactory to the Principal 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.

(79) TELECOMMUNICATIONS PROVISIONS

Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Principal Certifier prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1.

(80) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1, 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.

(81) BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued for that stage of the development under condition 1.

(82) HOURS OF WORK AND NOISE

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*.

(83) SURVEY CERTIFICATE AT COMPLETION

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

(84) 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.

(85) STREET NUMBERING

Prior to the issue of any Occupation Certificate relevant to that stage of the development under condition 1, 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.

(86) 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.

(87) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

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

(88) 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.

(89) ASBESTOS REMOVAL WORKS

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.

(90) 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 should 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.

(91) 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 the City's Area Planning Manager and the Principal Certifier.

(92) VENTILATION

The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1-1998 and AS1668.2-1991.

(93) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1 and 2 - 2012. *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 2 – 2012 *The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings* , the *Building Code of Australia* and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the *Building Code of Australia*, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the *Building Code of Australia*, must be submitted to the Principal Certifying Authority.

(94) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1, detailed plans of any water cooling system (including cooling towers) as defined under the *Public Health Act 2010* must be prepared by a suitably qualified person and certified in accordance with *AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning* and must be submitted to and approved in writing by the Council's Area Planning Manager at email hbapplications@cityofsydney.nsw.gov.au
- (b) Water cooling system operation and maintenance manuals and maintenance service records must be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to *AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance*.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the following:
 - (i) Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of *AS3666:2011 Air handling and water systems of buildings – Microbial Control* and the NSW Health Code of Practice for the Control of Legionnaires Disease.
 - (ii) Prior to the issue of an Occupation Certificate or if non-applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Health and Building Unit, written notification by way of the prescribed form under Clause 12 to the *Public Health Regulation 2012*. Any changes to these particulars must be notified to the Council's Health and Building Unit in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney Council's website.

(95) 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 2011.*

(96) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(97) ROADS AND MARITIME SERVICES

- (a) The driveway on the City Road / Princes Highway boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on City Road / Princes Highway shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).
- (b) Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.
- (c) A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.
- (d) Requests for alterations to street signage on City Road / Princes Highway adjacent to the development, including requests for work zones, should be directed to Mohamed Tita at Mohamed.TITA@rms.nsw.gov.au.
- (e) All works and sign posting associated with the development are to be at no cost to Roads and Maritime.
- (f) The development will need to ensure that vans / small delivery vehicles can be accommodated from the rear laneway access or in loading zones on the local road network to ensure the development can continue to be serviced should the kerbside loading / parking on the City Road / Princes Highway frontage be modified or removed in future.

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>