

Attachment A

Recommended Conditions of Consent
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CONDITIONS OF CONSENT

SCHEDULE 1A

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

Note: Some conditions in Schedule 1A 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) STAGED DEVELOPMENT APPLICATION

Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a Stage 1 development application. A subsequent development application is required prior to commencement of any work on the site.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2018/1014 dated 30 August 2018 and the following drawings prepared by FJMT Studio:

Drawing Number	Drawing Name	Date
304 C	Envelope Diagrams	2 May 2018
305 C	Envelope Diagrams	2 May 2018
503 C	Site Elevations – Complying Envelope – Kent Street	2 May 2018
504 C	Site Elevations – Complying Envelope Jenkins Lane	2 May 2018
511 C	Section – towards Stamford on Kent North	2 May 2018
512 C	Section – towards Stamford on Kent South	2 May 2018

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.

(3) MATTERS NOT APPROVED

The following matters are not approved and do not form part of this concept development consent:

- (a) Any demolition, excavation and/or construction;
- (b) The layout and number of residential apartments;
- (c) The number of basement levels and/or the configuration of the basement car parking levels;

- (d) The number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (e) The precise quantum of floor space; and
- (f) A 10% design excellence uplift in floor space ratio.

(4) LOCATION OF RESIDENTIAL LAND USES

No residential land uses are approved at Basement Level 4 (RL 12.00), Ground (RL24.40) and Level 1 (RL28.60), with the exception of residential uses to the western portion of the Ground Floor and Level 1 fronting Jenkins Street.

(5) BUILDING ENVELOPES

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely contained within the approved envelopes and provide the appropriate relationship with neighbouring buildings.

(6) WINDOW OPENINGS ON THE NORTHERN AND SOUTHERN FACADES

- (a) Any future detailed design Development Application must restrict windows and openings on the southernmost facade or northern facade opposite the existing south facing windows of the residential building to the north should be windowless, unless windows can adequately address privacy impacts in accordance with the Apartment Design Guide.
- (b) The northern and southern facades should be designed to ensure a visually interesting facade treatment.

(7) DESIGN EXCELLENCE

A competitive design process in accordance with the provisions of the Sydney Local Environmental Plan 2012 shall be:

- (a) Conducted in accordance with 'Design Excellence Strategy for 189-197 Kent Street, Sydney dated 30 May 2018, prepared by Ethos Urban on behalf of Barana Group.
- (b) Conducted prior to the lodgement of a detailed (Stage 2) development application (DA) for the site.

The detailed design of the building/s must exhibit design excellence, in accordance with Clause 6.21 of the *Sydney Local Environmental Plan 2012*.

(8) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the subsequent development application for the detailed design of the building to confirm that the building has adopted the

following proposed ESD targets reflected in the Design Excellence Strategy referred to in Condition 5:

- (a) A BASIX energy score of at least 5 points above the minimum compliance requirement; and
- (b) A BASIX water score of at least 5 points above the minimum compliance requirement.

The ESD targets are to be carried through the competition phase, design development, construction, and through to completion of the project.

(9) BUILDING HEIGHT

The maximum height of the building, as defined in the Sydney Local Environmental Plan 2012, must not exceed 80 metres (RL 102.087 on the Kent Street frontage and RL 92.872 on the Jenkins Street frontage).

(10) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible, and shall be calculated in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) Notwithstanding above (a), the proposal may be eligible for a 10% design excellence uplift in floor space ratio pursuant to the provisions of Clause 6.21(7) of the *Sydney Local Environmental Plan 2012*.
- (c) Precise details of the distribution of floor space shall be provided with the future Stage 2 Development Application.
- (d) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the *Sydney Local Environmental Plan 2012*.

(11) RESIDENTIAL LAND USE

- (a) The Stage 2 Development Application must be designed to comply with the principles of 'State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development', the guidelines of the Apartment Design Guide (ADG), and the provisions of the *Sydney Development Control Plan 2012*.
- (b) The floor to floor and floor to ceiling height controls in Section 4.2.1.2 of the Sydney Development Control Plan 2012 and the Apartment Design Guide.
- (c) The development shall be designed to be compliant with the dwelling mix requirements of Section 4.2.3.12 of the *Sydney Development Control Plan 2012*.

- (d) The development shall be provided with an area/s of communal open space in accordance with the requirements of the Apartment Design Guide and *Sydney Development Control Plan 2012*.
- (e) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the Stage 2 Development Application.

(12) PUBLIC ART

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the *Sydney Development Control Plan 2012* and the City of Sydney Public Art Policy. This Strategy shall form part of the documentation lodged with any future detailed design Development Application.
- (b) The requirement to accommodate public art as part of the redevelopment of the site must form part of the competitive design process brief and the nominated location should be included as part of any future detailed design Development Application.

(13) WIND ASSESSMENT

- (a) Prior to the lodgement of a detailed design Development Application, the detailed design shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and condition within the publicly accessible pedestrian space, the surrounding streets and neighbouring buildings, communal external areas within the subject development and private open space.
- (b) Any recommendations of the wind tunnel testing required by (a) above, shall be incorporated into the final detailed design Development Application.

(14) ACOUSTIC REPORT

An investigation of the full acoustic and vibration impact of this development is to be undertaken by a suitably qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustical Consultants describing and assessing the impact of noise emissions from the use. The investigation must be prepared and submitted with the detailed design Development Application and include, but not be necessarily be limited to, the following:

- (a) The identification of any neighbouring noise sensitive receivers who may be potentially impacted by the proposal;
- (b) An assessment of the existing background (LA90,15 min) and ambient (LAeq,15 Min) acoustic environment at the receiver locations representative of the time periods that any noise impacts may occur (measurement techniques and the assessment period should be fully

justified and in accordance with AS 1055:1997 and the NSW Industrial Noise Policy.

- (c) The identification of all operations conducted onsite as part of the development proposal that are likely to impact an impact on neighbouring noise sensitive receivers.
- (d) A statement confirming that the development will comply with the Council's Noise Conditions and relevant noise and vibration guidance documents, together with any recommended acoustic control measures that should be incorporated into the development.

(15) AUSGRID

- (a) Consultation is required with Ausgrid to ensure that technical and statutory requirements in regards to the safe and reliable operation and maintenance of the Ausgrid network are maintained.
- (b) Details of the consultation undertaken are to be provided with the Stage 2 Development Application.

(16) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light 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.

(17) ACID SULFATE SOILS – PRELIMINARY SITE ASSESSMENT

A preliminary acid sulfate soil assessment is required on this site as it is located within 500m of land with a class 1, 2, 3 or 4 acid sulfate soil classification. The development has the potential of removing greater than 1 tonne of soil from the site or lowering the water table to below 1 metre. This must be carried out by a suitably qualified person in accordance with the *Acid Sulfate Soils Assessment Guidelines (Acid Sulfate Soils Management Advisory Committee August 1998)*. The preliminary assessment must be submitted to the City's Area Planning Manager for approval and written approval issued prior to the issue of a Construction Certificate.

Where the preliminary site assessment confirms that the site is subject to acid sulfate soils which may affect the integrity development then an Acid Sulfate Soils Management Plan must also be prepared and submitted to the City for approval and approved in writing prior to the issuance of a Construction Certificate.

(18) RESIDENTIAL ACOUSTIC AMENITY

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with the detailed design Development Application in accordance with the provisions of the Sydney Development Control Plan 2012.

(19) 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.

(20) 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.

(21) VEHICLES ACCESS

- (a) All vehicles must enter and depart the site in a forward direction.
- (b) A vehicle access (if required) must be provided from Jenkins Street.

(22) SERVICE VEHICLE ACCESS

Further design analysis, including swept path analysis, of the Service Vehicle access is required to demonstrate that the waste collection area meets the requirements of DCP12 Section 3.11.13 (3), namely that vehicle access for collection and loading will provide for:

- (a) a **9.25m Council garbage truck** and a small rigid delivery vehicle;
- (b) 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;
- (c) 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**;
- (d) 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;
- (e) a minimum driveway width of **3.6m**; and
- (f) a minimum turning circle radius of **10.5m**.

(23) SERVICE VEHICLE SIZE LIMIT

The detailed design development application must include swept paths for the largest vehicles to access the site. These will be used to determine a condition for the largest vehicle permitted to service the site and the width of the driveway crossing.

(24) CAR SHARE SPACES

- (a) The basement car park plan submitted as part of the detailed design development application must include the provision of parking spaces for the exclusive use of car share scheme vehicles.
- (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 be 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.

(25) BICYCLE PARKING AND END OF TRIP FACILITIES

The detailed design development application must include a Bicycle Parking Plan and End of Trip Facilities design in accordance with the DCP12 Section 3.11.3. 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* and 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation' document.

Note: Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.

(26) VEHICLE FOOTWAY CROSSING

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

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

Note: To reinforce the priority of pedestrian movement on the footpath, the footpath paving surface is to be continued over the vehicle crossing (ie. continuous footpath pavement) per Council's DCP2012 Section 3.11.11 (6).

(27) 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 with any detailed design Development Application.

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.

(28) 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, and designed by a suitably qualified engineer, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed 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.

(29) 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 any detailed design Development Application for the site.
- (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.

- (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.

(30) CAR PARKING SPACES AND DIMENSIONS

- (a) The permissible number of car parking spaces is to be established as part of the detailed design Development Application.
- (b) The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australia Standard AS/NZS 2890.1 Parking Facilities Part 1: Off-street parking, AS/NZA 2890.2 Parking Facilities Part 2: Off – street commercial vehicle facilities and AS/NZS 2890.6 Parking Facilities Part 6: Off-street parking for people with disabilities.

(31) BICYCLE PARKING AND END OF TRIP FACILITIES

Details of the location, number and class of bicycle parking must be included in the detailed design Development Application.

Bicycle parking for residents and employees is to be provided in the uppermost basement parking level. Class 2 facilities, or a combination of Class 1 and Class 2 facilities, are considered acceptable for residents. Employee bicycle parking is to be provided in close proximity to end-of-trip facilities.

All visitor bicycle parking is to be provided at grade in an easily accessible and visible location.

Note: Council supports the provision of innovative bicycle parking solutions in new developments. Should the Applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.

(32) 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.

(33) TRANSPORT ACCESS GUIDE

A Transport Access Guide, including a strategy for the future availability of the Guide to all residents, employees and/or visitors to the site, is to be submitted with the Stage 2 Development Application.

Note: Transport Access Guide requirements are detailed in section 7.7 of the DCP. Information about preparing Travel Plans is also available on Council's website.

(34) VEHICLE LIFT

The detailed design Development Application must include details of the proposed vehicle lift system, including an assessment of vehicle queuing and consequential impacts on the road network, if any.

(35) CENTRAL SYDNEY TRAFFIC AND TRANSPORT COMMITTEE (CSTTC)

The subject site falls within the CSTTC boundary. The application also triggers the requirement for determination by the Central Sydney Planning Committee (CSPC) due to the estimated cost of works. All CSPC items falling within the CSTTC boundary are subject to consideration by the CSTTC.

As such, the detailed design Development Application is to include a brief assessment in line with the CSTTC assessment criteria, which includes the following:

- (a) Impact on the road network;
- (b) Future economic welfare and development of Sydney and the State;
- (c) Efficient functioning of businesses in the whole or any part of the Sydney CBD;
- (d) Maintenance of access for freight within the whole or any part of the Sydney CBD;
- (e) Efficiency and traffic safety of the public transport network in the Sydney CBD; and
- (f) Needs of commuters, residents, pedestrians and visitors in the whole or any part of the Sydney CBD.

(36) TRANSPORT IMPACT ASSESSMENT

A detailed Transport Impact Study must be prepared in accordance with the provisions of Section 7.4 of the Sydney Development Control Plan 2012 and shall be submitted with the detailed design Development Application.

(37) CAR, FREIGHT AND SERVICE VEHICLE PARKING MANAGEMENT

The applicant shall prepare the following as part of any detailed design development application:

- (a) Swept paths of a medium rigid vehicle accessing the loading bay from Jenkins Street; and
- (b) A draft car park and loading bay management plan. The management plan needs to include the following (not limited to):
 - (i) Management of queuing along Jenkins Street as a result of malfunction of the proposed car lift/car hoist.
 - (ii) Details of alternate car parking locations and loading zones to redirect vehicles due to extensive queuing at the access to the car park and loading bay;
 - (iii) Management of conflicts between freight and service vehicles and cars exiting the site onto Jenkins Street and any freight and service vehicles and cars entering the site from Jenkins Street;
 - (iv) Details on the forecast freight and servicing traffic volumes by time of day and how deliveries would be managed to ensure there is no requirement for any freight and service vehicles to wait on public streets to enter the site;
 - (v) Details on how the loading area will be managed and used by all building tenants; and
 - (vi) Details of the largest vehicle accessing the site.

(38) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT

The applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office within TfNSW. A copy of the final plan shall be submitted to the Coordinator General, Transport Coordination within TfNSW for endorsement, prior to the commencement of any work. The CPTMP needs to specify, but not limited to, the following:

- (a) Location of the proposed work zone;
- (b) Haulage routes;
- (c) Construction vehicle access arrangements;
- (d) Proposed construction hours;
- (e) Estimated number of construction vehicle movements;
- (f) Construction program;
- (g) Consultation strategy for liaison with surrounding stakeholders;

- (h) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- (i) Cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro City and Southwest. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
- (j) Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

The applicant shall provide the builder's direct contact number to the Sydney Coordination Office and Transport Management Centre within TfNSW to resolve issues relating to traffic, freight, servicing and pedestrian access during construction, in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

(39) 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 any Stage 2 Development Application for the site.
- (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.
- (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.

(40) EXISTING EASEMENTS

Any detailed design Development Application is to provide information detailing the existing Easements benefitting the site and confirming that access to the rear of the site is available.

(41) WASTE FACILITIES

Any detailed design Development Application is to provide details of the location, construction and servicing of the waste collection facilities for the proposed building. The design of the facilities is to be in accordance with Council's *"Policy for Waste Minimisation in New Developments 2005"*.

(42) STORMWATER AND DRAINAGE

Any detailed design Development Application is to provide details of the drainage system for the development which is to be designed and constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

(43) WASTE COLLECTION

Any detailed design Development Application shall demonstrate compliance with Council's requirements for waste collection for residential development in Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to minimise and manage waste and recycling generated by the proposal.

(44) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

An Access Report shall be submitted with the detailed design Development Application to demonstrate that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

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>