Attachment A

Recommended Conditions of Consent
CONDITIONS OF CONSENT

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following conditions are satisfied, within 24 months of the date of this determination

(1) DESIGN MODIFICATIONS

Amended plans are to be prepared and submitted to and approved by the Director, City Planning, Development and Transport depicting the following design amendments:

(a) The Finished Floor Level of the lower portion of Retail Tenancy 3 on Ground Level (Level 1), which is currently RL 19.1, is to be reduced to RL 18.9.

(b) The Ground Level plan is to be amended to illustrate how access will be provided into the building, taking into consideration level changes between the building and the adjoining publicly accessible private land or public domain. Ramps, steps and handrails are to be kept to a minimum, but where required to provide equitable access, they must be shown on the plans. The materials are to be of a high quality and finish, and are to integrate with the architecture of the building and the paving of the publicly accessible private land or adjoining public domain, as relevant.

(c) Apartment A201, located on level 2 of the building, is to be deleted from the plans, and the floor space is to be reallocated as common property, for use as an acoustically isolated music practice room that may also be used as a community room.

(d) West facing apartments that receive high levels of exposure to afternoon sun in the summer months, being apartments facing Barker Street and Neilson Square, are to be provided with external operable sun shading devices. It must be demonstrated that the devices are:

(i) operable in order to facilitate solar access in the winter months; and

(ii) sufficient to protect the occupants from excessive radiant temperatures in the summer months.

Where an affected apartment is not provided with sun shading, it must be demonstrated that the apartment is not subject to solar exposure that may result in thermal discomfort. The materials used for sun shading are to be of a high quality and finish, are to display design excellence and are to integrate with the architecture of the building. The Architectural Drawings are to be updated to include 1:20 drawings illustrating typical details of the sun shading devices.

(e) Sanitary facilities, available to the customers and employees of all retail tenancies located within Site 18 are to be provided within the building. The customer facilities are to be provided on Ground Level (Level 1) or Level 2 of Site 18. Staff toilets may be provided on Basement Level 1.
(f) The ‘mesh’ finish on Level 2 of the Ebsworth Street frontage is to be deleted, and replaced with high quality glazing that is in keeping with the architecture and design of the building.

(g) An openable window is to be provided to the common residential corridor on each floor.

(h) The allocation of car parking spaces within the shared basement is to be amended to decrease the path of travel between car parking spaces allocated to Site 18 in basement levels 2 and 3 and the residential lobby of Site 18. The location of accessible parking spaces is to consider the access needs of users, especially in relation to distance to lifts.

(i) The design of the basement car park is to be amended to relocate all private car parking spaces and storage cages on Basement Level 1 away from areas located directly under the future Fellmonger Plane and Barker Street.

(j) The design of the rooftop plant screening is to be architecturally integrated with overall design of the building. It must be demonstrated that no part of the plant installed on the roof will be visible from the public domain.

The amended plans will become the plans approved by this development consent once they are provided to the satisfaction of the Council’s Director, City Planning, Development and Transport.

(2) LOADING DOCK AND BASEMENT MANAGEMENT PLAN

(a) A Loading Dock and Basement Management Plan, must be submitted to and approved by Council’s Director, City Planning, Development and Transport.

(b) The plan should identify how the loading area (loading dock and service bays) will be managed and used by all building tenants and of each site including sites 7, 17 and 18 and how the loading area will accommodate uses such as:

(i) Waste servicing
(ii) Removalist vehicles
(iii) Deliveries (short stay)
(iv) Tradesperson (long stay)

(c) The plan must detail a pedestrian path between the loading dock and each building (i.e. sites 7, 17 and 18) and management operations and wayfinding signage and markings to ensure efficient and safe pedestrian access.

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

(e) The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.
(f) The plan shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

(g) A Waste Management Plan is to be incorporated within the Loading Dock and Basement Management Plan. The Waste Management Plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005, and include the following:

(i) The Waste Management Plan must detail the methodology and schedule for transferring waste from all buildings (especially site 17 and 18) collection points to the bin storage room within the loading dock area located in site 7. This must consider who will transfer the bins, frequency of transfer, how it would be undertaken in a safe manner and what type of vehicle will be used in the transfer (if mechanical transfer is needed).

(ii) Residential or commercial waste and recycling receptacles must be stored on the property at all times and must not be presented on street for collection.

(iii) The developer is to liaise with Council’s Waste Services for the installation of a compatible (GAR) key system to allow for the City’s staff to collect waste and recycling receptacles directly from the nominated refuse storage room.

(iv) A minimum area of 11m³ for discarded bulky items must be provided.

(v) The nominated waste and recycling storage rooms must be constructed to meet the relevant conditions within the City’s Policy for Waste Minimisation in New Developments (2005).

(vi) Commercial waste agreements must be in place prior to any commercial businesses trading

(vii) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with Waste Services.

(viii) The development must have a residential rating or applied for a residential rating prior to a City of Sydney Waste service commencing.

(ix) Commercial and residential waste service collections and waste storage arrangements must be conducted in accordance with the City’s Waste Policy – Local Approvals Policy for Managing Waste in Public Places (2013).

(A) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979;
(B) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and

(C) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:
PART B – CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent condition:

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) APPROVED DEVELOPMENT

(a) Development must be generally in accordance with Development Application No. D/2017/503 dated 24 April 2017 and the following drawings prepared by Mirvac Design (subject to the amendments required by Deferred Commencement Condition 1):

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and as amended by the conditions of this consent. These plans will be superseded upon the approval of the plans referred to in Deferred Commencement Condition 1 and those plans will become the approved plans for the development.

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

(2) VOLUNTARY PLANNING AGREEMENT

The development must be carried out in accordance with all of the obligations referenced within Planning Agreement: Green Square Town Centre – LML Development executed on 20 August 2013 and entered into by Green Square Consortium Pty Ltd and Landcom.

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

In accordance with Clause 6.5 of Sydney Local Environmental Plan (Green Square Town Centre) 2013 and prior to any Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning and Environment or a bank guarantee in favour of the Department of Planning and Environment to the value of the required contribution has been lodged.

The contribution is based on the in lieu monetary contribution rate for non-residential development at $77.92 per square metre of total non-residential floor area and for residential development at $233.86 per square metre of total residential floor area. Contributions will be indexed in accordance with the formula set out below.

The contribution payable shall be calculated prior to a Construction Certificate being issued based on the total floor area as defined in the Green Square Town Centre LEP 2013 and taking into account the amended design arising from the design modifications in deferred commencement condition 1 above.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted [1 March 2019 to 28 February 2020], the amount of the contribution will be indexed in accordance with the formula set out below.
Notes:

(a) Applicants have two payment options:

Option 1 is payment by bank cheque using "Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque". Form B must be obtained from the Green Square Project Team in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a bank cheque with the NSW Department of Planning and Environment.

Option 2 is lodgement of a bank guarantee using "Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee". Form A must be obtained from the Green Square Project Team GSPT@cityofsydney.nsw.gov.au in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a Bank Guarantee with the NSW Department of Planning and Environment.

Where Form A has been used, an occupation certificate will not be released until payment by bank cheque using "Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque". Form C must be obtained from the Green Square Project Team GSPT@cityofsydney.nsw.gov.au in the City Strategy and Design Unit at the City of Sydney and then must be lodged with a bank cheque with the NSW Department of Planning and Environment.

(b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.

(c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning and Environment. To arrange payment, contact the Housing Policy Team, NSW Department of Planning and Environment on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.

(d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.

(e) Contributions at Time of Payment = C x HPI2 / HPI1, where:

(i) C is the original contribution amount as shown above;

(ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and

(iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent [1 March 2019 to 28 February 2020].
The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area sqm) x residential rate ($) + (total non-residential floor area (sqm) x non-residential rate ($).

(4) MATTERS NOT APPROVED

The following items are not approved and do not form part of this consent:

(a) Signage for the Ground Floor (Level 1) and Level 2 retail tenancies;
(b) Fit-out and use of Ground Level (Level 1) and Level 2 retail tenancies;
(c) Outdoor dining areas; and
(d) Installation of individual air conditioning units to the facade or balconies of the building.

(5) DESIGN QUALITY EXCELLENCE

(a) In order to ensure the design quality excellence of the development is retained:

(i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;

(ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;

(iii) Evidence of the design architect’s commission is to be provided to the Council prior to release of any Construction Certificate.

(b) The design architect of the project is not to be changed without prior notice to and approval of the Council’s Director City Planning, Development and Transport.

(6) FLOOR TO CEILING HEIGHT

(a) Prior to the issue of any Construction Certificate, the Principal Certifying Authority must ensure that:

(i) within dwellings, a minimum floor to ceiling height of not less than 2.7m is provided in all living rooms and bedrooms, and a floor to ceiling height of not less than 2.4m is provided in all kitchens, bathrooms, hallways and laundries;

(ii) within the ground floor (Level 1) retail tenancies, a minimum floor to ceiling height of 3.6m is provided in all publicly accessible areas with the exception of sanitary facilities; and

(iii) within the Level 2 retail tenancies, a minimum floor to ceiling height of 3.03m is provided in all publicly accessible areas, with the exception of sanitary facilities; and
(b) Prior to the issue of any Occupation Certificate, a Registered Surveyor must provide certification that the floor to ceiling heights accord with (a) above, to the satisfaction of the Principal Certifying Authority.

(7) PHYSICAL MODEL (AS APPROVED)

(a) Prior to any Construction Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House. Note:

(i) The model must be constructed in accordance with the Model Specifications available online at http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements Council’s modellers must be consulted prior to construction of the model.

(ii) The model is to comply with all of the conditions of the Development Consent.

(8) ELECTRONIC CAD MODEL (AS APPROVED)

(a) Prior to any Construction Certificate being issued, an accurate 1:1 electronic CAD model of the approved development must be submitted to Council for the electronic Visualisation City Model.

(b) The data required to be submitted within the surveyed location must include and identify:

(i) building design above and below ground in accordance with the development consent;

(ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;

(iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information’s SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

(c) The electronic model must be constructed in accordance with the City’s 3D CAD electronic model specification. The specification is available online at http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements Council’s Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
(9) MATERIALS AND SAMPLES BOARD

A final materials sample board detailing all proposed finishes must be submitted to and approved by Council’s Director City Planning, Development and Transport prior to any Construction Certificate being issued.

(10) LANDSCAPING OF THE SITE

(a) A detailed landscape plan, drawn to scale, by a qualified landscape architect, must be submitted to and approved by Council’s Area Planning Manager prior to the issue of any Construction Certificate for above ground building works. The plan must be in accordance with the Landscape Development Application Report, Issue P5, October 2017 by Turf Design Studio (Council ref: 2017/523025) and 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) Details of proposed paving. Note: paving materials must be consistent with the City’s public domain materials palette.

(iv) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);

(v) Details of planting procedure and maintenance;

(vi) Details of drainage, waterproofing and watering systems.

(b) Prior to the issue of any Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. 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.

(11) FIT-OUT OF GROUND FLOOR (LEVEL 1) AND LEVEL 2 RETAIL PREMISES - SEPARATE DA REQUIRED

(a) The fit-out of the ground floor (level 1) and level 2 retail premises is not approved.

(b) A separate development application for the fit-out and hours of operation for the ground floor (level 1) and level 2 retail premises must be submitted to and approved by Council prior to that fit-out or use commencing, except where the fit-out and use is exempt or complying development under an environmental planning instrument or development control plan.
(c) Any development application for outdoor dining must be supported by a wind effects report demonstrating that the wind conditions in the proposed outdoor dining area are satisfactory.

(12) SIGNAGE STRATEGY

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

(13) BUILDING HEIGHT

(a) The height of the building must not exceed RL 86.50 (AHD) to the top of the lift overrun, RL 83.5 (AHD) to the parapet, and RL 82.19 (AHD) to the roof.

(b) Prior to any Occupation Certificate being issued, a Registered Surveyor must provide certification that the heights of the buildings accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(14) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

(a) The Floor Space Ratio must not exceed 1.771:1 calculated in accordance with the Sydney Local Environmental Plan (Green Square Town Centre) 2013. For the purposes of the calculation of Floor Space Ratio the total Gross Floor Area is 9,080m².

(b) Prior to any Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under the Sydney Local Environmental Plan (Green Square Town Centre) 2013, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(15) APPROVED DESIGN ROOF - TOP PLANT

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

(16) REFLECTIVITY

The Certifying Authority 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 any Construction Certificate.

(17) ALCOVE LIGHTING

The alcoves on the Ebsworth Street frontage shall be fitted with a sensor-activated vandal proof security light. The light shall be maintained in good working order to Council's satisfaction. The intensity, colour, and illumination must be varied if, at any time in the opinion of the consent authority, adverse impacts or Obtrusive Light, in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting, is being caused to the amenity of the area.
(18) AWNING MAINTENANCE

The awning must be inspected and maintained throughout the life of the building, by the owners of the building, to ensure the structural integrity, aesthetic and functional quality of the awning.

(19) UNDER AWNING LIGHTING

Illumination from the under awning lighting, when measured from any place in the public domain, must comply with the following:

(a) the horizontal luminance level must not exceed 200 lux (including reflectivity from exterior finishes);

(b) the horizontal illuminance uniformity ratio \( (E_{\text{avg}}/E_{\text{min}}) \) must not exceed 4:1 to ensure safe movement of pedestrians;

(c) the intensity, colour, period of intermittency and hours of illumination must be varied if, at any time in the opinion of the Council, adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting is being caused to the amenity of the area;

(d) where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences; and

(e) batten type fluorescent lighting is not permitted to be used for under awning lighting.

(20) 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 Logic, dated 15/09/2017, ref 20150608.1/0614A/R3/TT, titled ‘Site 18 Green Square – Response to Council Queries Regarding DA Stage Acoustic Report (D/2017/503)’, Council Ref 2017/501778, must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.

(b) Prior to the issue of any Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report prepared by Acoustic Logic, dated 15/09/2017, ref 20150608.1/0614A/R3/TT, titled ‘Site 18 Green Square – Response to Council Queries Regarding DA Stage Acoustic Report (D/2017/503)’, Council Ref 2017/501778.

(c) Prior to the issue of any Occupation Certificate, a suitable 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.
(d) All physical aspects of the building’s structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

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.

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

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

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

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

(a) identification of noise sensitive receivers near to the site.

(b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

(c) A representative background noise measurement \( L_{A90, 15 \text{ minute}} \) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.

(d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.

(e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City’s Construction Noise Code.

(f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.

(g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise
impacts on the occupiers of neighbouring noise sensitive property to a
minimum.

(h) What plant and equipment is to be used on site, the level of sound mitigation
measures to be undertaken in each case and the criteria adopted in their
selection taking into account the likely noise impacts on the occupiers of
neighbouring property and other less intrusive technologies available.

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

(a) All works conducted on site which form part of this development must be
carried out in accordance with the approved Demolition, Excavation and
Construction Management Plan submitted in compliance with the
DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND
VIBRATION MANAGEMENT PLAN condition.

(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.

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

(23) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

(a) Noise from commercial plant and industrial development must not exceed a
project amenity/intrusiveness noise level or maximum noise level in
accordance with relevant requirements of the NSW EPA Noise Policy for
Industry 2017 (NPfi) unless agreed to by the City’s Area Planning Manager.
Further:

(i) Background noise monitoring must be carried out in accordance with
the long-term methodology in Fact Sheet B of the NPfi unless
otherwise agreed by the City’s Area Planning Manager.

(ii) Commercial plant is limited to heating, ventilation, air conditioning,
refrigeration and energy generation equipment.

(b) An L_{Aeq, 15 minute} (noise level) emitted from the development must not exceed
the L_{A90, 15 minute} (background noise level) by more than 3dB when assessed
inside any habitable room of any affected residence or noise sensitive
commercial premises at any time. Further:

(i) The noise level and the background noise level shall both be measured
with all external doors and windows of the affected residence closed.
(ii) Background noise measurements must not include noise from the
development but may include noise from necessary ventilation at the
affected premise.

(c) Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from
the development measured in accordance with this condition, however
duration corrections are excluded from commercial noise.

(24) CONSTRUCTION LIAISON COMMITTEE

(a) Prior to the commencement of any work, a Construction Liaison Committee
is to be established by the developer to ensure that demolition and
construction related impacts (including construction noise and vibration,
loading, issues associated with construction workers and vehicles, traffic
issues and management of the construction site) can be dealt with
expeditiously and co-operatively.

(b) The Committee is to be comprised of interested parties representing
potentially affected properties adjacent to and surrounding the site and any
interested group. A nominated representative of the Council may be an
observer from time to time.

(c) The Committee shall meet prior to the commencement of works on the site
and prior to the submission of the final Construction Management Plan to
Council to address initial areas of concern, and then at monthly intervals or
as considered appropriate by the Committee throughout the construction
process.

(d) Prior to the commencement of work, the Site Manager is to provide the
members of the Committee and Council with 24 hour contact details
(including location of site offices and a 24 hour phone number) to ensure
that any matters which arise during the construction process are addressed
immediately. The Site Manager shall be available during normal business
hours to provide information to the public about activities on site and to bring
any complaints to the attention of the Applicant.

(e) A register of all complaints shall be kept by the Applicant throughout the
duration of the project and shall be made available to Council Officers on
request.

(f) The Committee meetings are to be recorded/minuted and such
records/minutes are to be provided to Council within 14 days of the meeting.

(g) The first Committee meeting should establish Terms of Reference, including
purpose, size and membership, quorum, meeting frequency and duration,
procedures for meetings, recording/distribution of comments and outcomes
and the like.

(h) The initial call for resident/worker nominations to be sent to the adjacent and
adjoining property owners and tenants must be submitted to and approved
by the Director City Planning, Development and Transport prior to sending.

(i) The Site Manager is to inform each Committee meeting about the
construction program, progress reports and impending work.
(25) FUTURE EASEMENTS

Any future subdivision of the site is to provide:

(a) easements for access over any driveways, corridors, stairs and the like where the owners/occupiers of one lot require to pass over or through another lot,

(b) easements for access to and use of facilities (such as garbage rooms, parking areas, plant rooms, other services and the like) where such facilities are located in one lot but are intended for use by the owners/occupiers of another lot.

(26) RESTRICTION ON MUSIC AND COMMUNITY ROOM

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land is to be created and registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919. The Restriction is to be created in terms to the effect that the area on Level 2 of Site 18 that has been approved as a music and community room is to be retained for that use only. The Restriction is to be created appurtenant to Council and at no cost to Council.

(27) COMMON PROPERTY MUSIC PRACTICE ROOM - ACOUSTIC REQUIREMENTS

The Music Practice Room (music room) must remain common property and be provided and maintained for the use of all residents and achieve the following acoustic requirements:

(a) The ceiling must have an airborne sound insulation rating equal to or greater than RW + Ctr of 58. In this instance, to prevent flanking paths for noise, the walls and ceiling must meet the deemed to satisfy provisions F5.5 (e) and F5.5 (f) of the Volume One (Class 2-9) of the National Construction Code.

(b) Music Room door systems (door, frame & seal) must achieve an airborne sound insulation rating of Rw 45, and windows (combined glass frame and seal) must achieve an Rw 40. Windows to the façade of a building must be of minimum necessary dimensions, per the requirements of the Building Code of Australia. Access doors must be to common property accessible by all building occupants.

(c) The floor is to be carpeted.

(28) RESTRICTION ON RESIDENTIAL DEVELOPMENT

A Restriction on the Use of Land is to be created over the development site, pursuant to Section 88B of the Conveyancing Act 1919, created appurtenant to Council, in terms to the satisfaction of Council, including the following items:

(a) The accommodation portion of the building (levels 3 and above) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
(b) A restriction on the use of land is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation as defined in Sydney Local Environmental Plan 2012.

(c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.

(d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

The Council shall be named as being the authority to release, vary or modify the restriction.

(29) RESTRICTION ON MUSIC AND COMMUNITY ROOM

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land is to be created and registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919. The Restriction is to be created in terms to the effect that the area on Level 2 of Site 18 that is required to be a music and community room is to be retained for that use only. The Restriction is to be created appurtenant to Council and at no cost to Council.

(30) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES - RESIDENTIAL

The following conditions apply to car parking and storage:

(a) The on-site car parking spaces and storage spaces allocated to the residential component of the development are not to be used other than by a resident of the subject building(s) for parking of vehicles, or storage of items, related to the residential unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

(b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land is to be registered on the Title of the development site pursuant to Section 88B or 88E of the Conveyancing Act 1919, to the effect of (a), above. The Restriction is to be created appurtenant to Council, at no cost to Council.

(c) Any strata subdivision of the site is to include a Restriction on the Use of Land pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary Restriction on the Use of Land pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.

(31) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES - COMMERCIAL

The following conditions apply to car parking allocated to the commercial/retail component of the development:
(a) The on-site car parking spaces and storage spaces allocated to the commercial/retail component of the development, exclusive of service car spaces, are not to be used other than by an occupant or tenant of the subject building.

(b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land is to be registered on the Title of the development site pursuant to section 88B or 88E of the Conveyancing Act 1919, to the effect of (a) above. The Restriction is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

(c) Any future strata subdivision of the site is to include a Restriction on the Use of Land pursuant to section 39 of the Strata Titles (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restriction on the Use of Land pursuant to section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the Strata Scheme.

(32) PARKING ON COMMON PROPERTY AREAS

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

(33) STRATA TITLE PARKING SPACES

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

(34) ALLOCATION FOR CAR WASH BAYS

If car wash bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

(35) ALLOCATION FOR VISITOR PARKING

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

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

(36) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(37) ALLOCATION OF PARKING

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

<table>
<thead>
<tr>
<th>Car Parking Type</th>
<th>Site 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential spaces</td>
<td>38</td>
</tr>
<tr>
<td>Accessible residential spaces</td>
<td>20</td>
</tr>
<tr>
<td>Subtotal</td>
<td>58</td>
</tr>
<tr>
<td>Motorcycle parking</td>
<td>2</td>
</tr>
<tr>
<td>Car share parking</td>
<td>2</td>
</tr>
<tr>
<td>Service vehicle spaces</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>64</td>
</tr>
</tbody>
</table>

Notes:

i. Number of motorcycle spaces refers to dimensions of 1.2m x 2.5m per Australian Standards. Alternatively the proponent may provide standard car spaces marked as motorcycle spaces (dimensions of 2.4m x 5.4m per Australian Standards). In this case 2 spaces would be required.

ii. The waste collection area must meet the requirements of DCP12 Section 3.11.13 (3) and GSTC 10.4.1, namely that vehicle access for collection and loading will include (but is not limited to) the following:

(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**.

iii. The proposed loading dock is to be co-used to accommodate the delivery needs of sites 7, 17 and 18.

(38) SWEPT PATH ANALYSIS

A revised swept path analysis is to be undertaken to show how a 9.25m Council Waste Vehicle can enter and exit the subject site. This is to include options of
manoeuvring into the loading dock by reversing in as well as an options which would show manoeuvring into the bay in a forward direction and reversing out.

This swept path analysis, along with amended plans if required, must be submitted to and approved by Council’s Director City Planning, Development and Transport prior to any Construction Certificate being granted.

(39) 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”.

(40) 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.

<table>
<thead>
<tr>
<th>Bicycle Parking Type</th>
<th>Site 18</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>103</td>
<td>Spaces must class 2 bicycle facilities</td>
</tr>
<tr>
<td>Residential visitor</td>
<td>11</td>
<td>Spaces must be Class 3 bicycle rails</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>2</td>
<td>Spaces must be Class 2 bicycle facilities</td>
</tr>
<tr>
<td>Residential visitor</td>
<td>5</td>
<td>Spaces must be Class 3 bicycle rails</td>
</tr>
<tr>
<td>End of Trip Facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Showers with change area</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Personal lockers</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Australian Standard AS 2890.3:2015 refers to class 1 as class ‘A’, class 2 as class ‘B’, and class 3 as class ‘C’.

(b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by Council and then the Certifying Authority prior to the issue of any Construction Certificate.

(c) The layout, design and security of bicycle facilities must comply with the minimum requirements of Council’s DCP2012. This includes:

i. Section 3.11.3 (6a), access to bike parking areas are to be a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each.
ii. Section 3.11.3 (7) Bike parking for visitors is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted.

iii. Section 3.11.3 (4) Where bike parking for tenants is provided in a basement, it is to be located:
   a) on the uppermost level of the basement;
   b) close to entry/exit points; and
   c) subject to security camera surveillance where such security systems exist.

(d) The details must be submitted to and approved by Council’s Director City Planning, Development and Transport prior to the issue of any Construction Certificate.

(41) BICYCLE FACILITIES WAY FINDING PLAN

A way finding parking plan must be submitted showing all the signage to the bicycle facilities. This might include illuminated signage where appropriate. These plans must be submitted to and approved by Council prior to any Construction Certificate being issued.

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

(43) 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.

(44) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.
(45) INTERCOM FOR VISITORS

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.

(46) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of sites 7, 17 and 18, 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.

(47) 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 any Construction Certificate being issued.

(48) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

(a) Compelling drivers to stop before proceeding onto the public way

(b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

(49) 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.

(50) 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 Councils DCP2012 Section 3.11.11 (6).

(51) CAR SHARE SPACES

(a) A minimum of 1 car parking space for the exclusive use of car share scheme vehicles is to be provided in Site 18. A revised basement plan showing these spaces must be submitted to and approved by Council’s Director City Planning, Development and Transport prior to any Construction Certificate being issued.

(b) The space 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 space must be made available to car share operators without a fee or charge.

(d) The space must be sign posted for use only by car share vehicles and well lit.

(e) The space must be accessible to members of the car share scheme at all times. This may require a standalone access system for car share scheme members to access the basement area.

(f) The car share space is 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.

(52) SMALL CAR PARKING SPACES AND DIMENSIONS

The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council’s Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

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

(a) Residential or commercial waste and recycling receptacles must be stored on the property at all times and must not be presented on street for collection.

(b) The developer is to liaise with Council’s Waste Services for the installation of a compatible (GAR) key system to allow for the City’s staff to collect waste and recycling receptacles directly from the nominated refuse storage room.

(c) A minimum area of 11m² for discarded bulky items must be provided.

(d) The nominated waste and recycling storage rooms must be constructed to meet the relevant conditions within the City’s Policy for Waste Minimisation in New Developments (2005).

(e) Commercial waste agreements must be in place prior to any commercial businesses trading.

(f) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with Waste Services.

(g) The development must have a residential rating or applied for a residential rating prior to a City of Sydney Waste service commencing.

(h) Commercial and residential waste service collections and waste storage arrangements must be conducted in accordance with the City’s *Waste Policy –Local Approvals Policy for Managing Waste in Public Places (2013).*
SCHEDULE 1B

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

Note: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

(54) GREASE AND LIQUID WASTE TRAPS – FUTURE FOOD PREMISES

(a) A grease trap if required by Sydney Water must be installed in accordance with Sydney Water requirements and:

(i) Must be installed by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia;

(ii) The grease trap must be not be located in any kitchen, food preparation or food storage area;

(iii) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and

(iv) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

(b) In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas and must be carried out by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia.

(55) HOT WATER SERVICE – FUTURE FOOD PREMISES

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

(56) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the Building Code of Australia, Part F 3.1, 4.8 and 4.9.

TEMPORARY ACCESS ARRANGEMENT

Safe accessible access for pedestrians, cyclist, vehicles and service vehicles must be provided which connects the public domain road reserve to the site until such time as all the new streets are dedicated to Council. The access must be in accordance with Australian Standards, and the principles of the Sydney Streets Design Code, including the provision of adequate lighting, footway and lane widths and grades, and the like. The plan must address issues such as vehicle access, passing vehicles, terminating roadways, swept path movements, waste collection and pedestrian arrangements to be in place.

Details of the access, including any temporary works are to be submitted and approved by the Council prior to any Construction Certificate being issued.

Any redundant temporary access arrangements must be removed and restored in character to the public domain following dedication of the permanent access roads.

ALIGNMENT LEVELS – MAJOR DEVELOPMENT

(a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.

(b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney’s Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City’s website).

(c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".
Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

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

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

(a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;

(b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;

(c) Each image is to be numbered and cross referenced to a site location plan;

(d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;

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

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

(62) 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 any 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.

(63) PRESERVATION OF SURVEY MARKS

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

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

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

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

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

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

(65) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

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

(66) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the City of Sydney’s Sydney Streets Design Code and Sydney Streets Technical Specification. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

(67) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 55 lineal metres of concrete site frontage and 49 lineal metres of granite 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.

(68) PUBLIC DOMAIN DAMAGE DEPOSIT – TWEED PLACE SOUTH

A Public Domain Tweed Place South Damage Deposit calculated on the basis of repaving of tri-hex pavers roadway in Tweed Place South must be lodged with Council. The Public Domain Damage Deposit must be submitted as an
unconditional bank guarantee in favour of Council as security for repairing any damage to Tweed Place South.

The guarantee must be lodged with Council prior to any approval for demolition being granted or any Construction Certificate being issued, for D/2017/503 or D/2017/564, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued for D/2017/503 or D/2017/564, whichever is later, and any rectification works to the footway and Public Domain are completed to Council's satisfaction. If no rectification works are required, 100% of the total securities will be released. If rectification works are required, 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.

(69) 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.
(70) ESSENTIAL INFRASTRUCTURE CO-ORDINATION

Where Public Domain frontages and other essential infrastructure required to service this development are to be delivered by the City of Sydney, those works are to co-ordinated with the City’s Green Square Team to ensure that they will be delivered prior to the issue of the first Occupation Certificate for the building.

Prior to a Construction Certificate being issued for any new building work excluding approved preparatory, demolition or shoring work, confirmation of the design of all works by the City is to be submitted in conjunction with the submission of the Public Domain Plan, Alignment Levels and Stormwater conditions.

All costs associated with the construction of any temporary Essential Infrastructure works including kerb and gutter, road pavement, drainage system, footway, tree planting, landscaping and utilities shall be borne by the developer.

(71) 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 slew 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).

(72) INSTALLATION OF GRAPHICS AND ARTWORK ON SCAFFOLDING (BUILDING / CONSTRUCTION WRAPS)

(a) Where scaffolding is to be installed to undertake the proposed development an approved graphic / artwork installation must be provided on the scaffolding system to shield the development from the public place and to minimise adverse visual impacts on the locality.

(b) The graphic installation must be printed, installed and maintained in accordance with Council's Guidelines for Hoardings and Scaffolding. Details of the proposed graphic must be submitted to and approved by Council prior to the installation of any scaffolding.

(73) ASBESTOS REMOVAL WORKS

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

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

(b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

(c) All work must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Work Cover document entitled How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011 and the City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines.
(d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

(e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 Safety Signs for the Occupational Environment for size, illumination, location and maintenance.

(f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.

(g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

(h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.

(i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

(i) contact person for the site;

(ii) telephone and facsimile numbers and email address; and

(iii) site activities and time frames.

(74) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(75) ENVIRONMENTAL MANAGEMENT PLAN

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

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

(76) 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.

(77) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by JBS&G, dated 5 June 2017, reference number 51735/109139 (Rev 0) and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Melissa Porter (EPA accredited site auditor 0803), dated 27 June 2017 and reference s13068_001_rev2. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

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

Any variations to the approved Remediation Action Plan shall be approved in writing by the Site Auditor and Council’s Director City Planning, Development and Transport prior to the commencement of such work.

(78) REGISTRATION OF COVENANT

Prior to the issue of an Occupation Certificate, a covenant must be registered on the title of the land and a copy of the title submitted to the Council's Area Planning Manager and the Principal Certifying Authority.
This covenant must be registered on the title of the land binding the owners and future owners with the responsibility for the ongoing maintenance and rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority.

A copy of the revised certificate of land title recording the covenant must be submitted to the City’s Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

(79) 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 Council’s Director City Planning, Development and Transport and the Principal Certifying Authority immediately.

(80) SITE AUDIT STATEMENT

Prior to the issue of any occupation certificate, a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council’s Director City Planning, Development and Transport at email address:-

hbapplications@cityofsydney.nsw.gov.au

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

(a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council’s Health and Building department in writing through the Council’s Director City Planning, Development and Transport before the Site Audit Statement is issued.

(b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S96 modification of the consent pursuant to the provisions of the Environmental Planning & Assessment Act 1979).

(c) No Occupation Certificate is to be issued by the Principal Certifying Authority unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

(81) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor and the Council’s Director City Planning, Development and Transport prior to the issue of the final Site Audit Statement.
The owner of the land is required to comply with the ongoing obligations of any EMP which form part of the final Site Audit Statement for the site.

A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority.

A copy of the revised certificate of land title recording the covenant must be submitted to the Council’s Director City Planning, Development and Transport and the Principal Certifying Authority prior to the issue of any Occupation Certificate.

(82) MECHANICAL VENTILATION


(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 any Construction Certificate.

(c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

(83) MICROBIAL CONTROL IN WATER SYSTEMS

(a) Prior to the issue of any Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air Handling and Water Systems of Buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved in writing by the Council’s Director City Planning, Development and Transport 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) 


(ii) 

Prior to the issue of any 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.

(84) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

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

(b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.

(c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupation Certificate;

(d) if the discovery is on Council’s land, Council must be informed.

(85) ARCHAEOLOGY RECOMMENDATIONS

The recommendations advised in Section 8.2.2 of the Heritage Impact Statement by GML dated May 2016, which include a heritage induction to contractors and an application of an excavation permit under Section 140 of the Heritage Act for Lot 7, are to implemented prior to the commencement of the excavation work.

(86) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

(a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council’s standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
(b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.

(c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

Note: Contact Council's Legal Unit prior to the drafting of the positive covenant.

(e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

(f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council. The stormwater quality assessment must:

(i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;

(ii) use information available in the City of Sydney WSUD technical Guidelines – October 2014 in water quality modelling from an industry-standard water quality model; and

(iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:

   a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;

   b. reduce the baseline annual pollutant load for total suspended solids by 85%;

   c. reduce the baseline annual pollutant load for total phosphorous by 65%;

   d. reduce the baseline annual pollutant load for total nitrogen by 45%.

(g) Prior to the issue of any Occupation Certificate:
(i) maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council; and

(ii) a Positive Covenant must be registered on the title for all drainage systems involving in water quality treatment to ensure maintenance of the devices and their effectiveness in treating stormwater to the City’s requirement.

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

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

(a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:

(i) existing site contours;

(ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;

(iii) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

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

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with and approved by Council prior to any works being undertaken.

(89) 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).

(90) WORKS REQUIRING USE OF A PUBLIC PLACE

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

(91) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to any Construction Certificate being issued.

(92) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority 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.

(93) WASTE AND RECYCLING MANAGEMENT

Waste must be managed in accordance with the Waste Management Plan (as required to be approved by deferred commencement Condition 3 ‘Waste and Recycling management’).

(94) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan (as required by deferred commencement Condition 3 ‘Waste and Recycling management’); other relevant development consent conditions; and Council's Policy for Waste Minimisation in New Developments 2005.

(95) 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’s Director City Planning, Development and Transport prior to any Construction Certificate being issued.

(96) 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 Certifying Authority, prior to a Construction Certificate for the construction of the building being issued.

(97) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed within the commercial component of the development 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 Certifying Authority, prior to a Construction Certificate for the construction of the building being issued.

(98) INSTALLATION OF WATER EFFICIENT URINALS

New urinal suites, urinals and urinal flushing control mechanisms within the commercial component of the development must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to a Construction Certificate for the construction of the building being issued.
(99) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

Prior to the issue of any Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

(100) 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 any Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority 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.

(101) PAVING MATERIALS

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

(102) PUBLIC ART

Public art work must be installed to Council's satisfaction prior to the issue of any Occupation Certificate.

The public artwork must be in accordance with the Green Square Town Centre DCP 2012, the Public Art Policy, and the Interim guidelines: public art in private developments.

Final details of the proposed public art work must be submitted to and approved by Council’s Director City Planning, Development and Transport prior to issue of any Construction Certificate.

Note: Public Art must be reviewed and endorsed by the City’s Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art. Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.
(103) ADAPTABLE HOUSING

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

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

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

(104) ACOUSTIC PRIVACY BETWEEN UNITS

(a) The development must be designed and constructed to satisfy the requirements of the Green Square Town Centre Development Control Plan 2012 acoustic privacy requirements. A report prepared by a suitable qualified acoustic professional must be prepared and submitted to the Certifying Authority prior to the issue of any Construction Certificate, and must be suitably referenced in the Construction Certificate documentation.

(b) The report must:

   (i) quantify the level of impact (noise at the exposed facades) from the normal noise of the area on the development; and

   (ii) identify acoustic mitigation measures to be incorporated into the building design to ensure compliance with the design goals contained within the Sydney DCP 2012.

(c) The Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitably incorporated into the development as erected prior to the issue of any Occupation Certificate.

(105) NUMBER OF ADULTS PER ROOM

(a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children’s beds, cots or bassinets.

(b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

(106) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

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

(107) INTERNAL LIGHTING SYSTEM

The proposed internal lighting system for retail tenancies and residential common circulation 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 Certifying Authority prior to a Construction Certificate being issued.

(108) ELECTRICITY SUBSTATION

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

(109) TELECOMMUNICATIONS PROVISIONS

(a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broadband access by ground or satellite delivery. The details must be submitted for the approval of the Certifying Authority prior to a Construction Certificate being issued.

(b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

(110) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

(a) Prior to the issue of any Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

(b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

(111) SYDNEY WATER CERTIFICATE (TAP-IN)

(a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at www.sydneywater.com.au, (see Plumbing, Building & Development and then Sydney Water "Tap-in").

(b) The Consent Authority or a Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.
(112) SYDNEY WATER REQUIREMENTS

(a) Sydney Water Servicing

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

An early application for the certificate is recommended, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or phone 13 20 92.

(b) Building Plan Approval

You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water’s assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

(c) Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water’s sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

Backflow Prevention Requirements

All properties connected to Sydney Water’s supply must install a testable Backflow Prevention Containment Device appropriate to the property’s hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.
Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.

2. Conduct a site assessment to confirm the hazard rating of the property and its services.

Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: http://www.sydneywater.com.au/Plumbing/BackflowPrevention/

(113) AUSGRID REQUIREMENTS

(a) The method of electricity connection will be in line with Ausgrid’s Electrical Standard (ES)1 – ‘Premise Connection Requirements’.

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

(i) The existing network can support the expected electrical load of the development;

(ii) A substation may be required on-site, either a pad mount kiosk or chamber style; and

(iii) Site conditions or other issues that may impact on the method of supply.

For more information regarding how to connect to Ausgrid’s network, please visit: www.ausgrid.com.au.

(c) There are existing underground electricity network assets in Ebsworth Street and within the site boundary.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safe Work Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.
SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(114) PARKING PLAN

A parking plan must be submitted addressing parking restrictions on all roads adjacent to the site.

A parking plan must be submitted to the City Infrastructure and Traffic Operations team and will be referred to Council's Local Pedestrian, Cycling and Traffic Calming Committee for consideration.

Two plans must be prepared, one showing the existing parking restrictions, and one showing the proposed parking restrictions. Both plans must include the parking restrictions and the locations of all parking signs and stems, and their chainages from the nearest intersection.

The plan must be approved by Council, and receive concurrence from the Pedestrian Cycling and Traffic Calming Committee prior to any Occupation Certificate being issued. All parking signs are to be installed at no cost to Council and must be installed prior to any Occupation Certificate being issued.

Note: The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant Council officer being satisfied with the proposal.

(115) ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

(116) GREEN TRAVEL PLAN

(a) A Green Travel Plan must be submitted to and approved by Council prior to any Occupation Certificate for the site being issued.

(b) In preparing the final Green Travel Plan, the applicant should review information on Council's website about preparing Travel Plans. The final Green Travel Plan would include steps which address customer and staff transport patterns by providing mode share targets which promote sustainable travel behaviour, means of minimising travel demand by private car and maximise the share of travel by other modes including public transport, cycling, walking, carpooling or car share.

(c) A Travel Plan is a 'live' document that needs to be closely monitored and reviewed throughout the first few years of implementation. The Travel Plan Coordinator responsibilities include:

i. Coordinating implementation efforts,

ii. Conducting surveys or other data collection processes to measure progress;
iii. Communicating the travel plan to stakeholders;

iv. Coordinating events to promote awareness of the plan and associated invites;

v. Coordinating marking and promotional programs.

(d) The steps outlined above should not be considered as a linear process, but rather an on-going cycle. Travel planning requires regular review and adjustment – a review may reveal the need to reconsider objectives or targets, or to add new actions to create greater incentives for the uptake of sustainable transport choices.

Note: It is recommended the applicant review information on Council’s website about preparing Travel Plans. The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission.

(117) 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 Works 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.

(118) 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.
(119) USE OF MOBILE CRANES

The following requirements apply:

(a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

(b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

(c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

(120) SURVEY

(a) AT FOUNDATION STAGE - Upon commencement of brickwork or wall construction, by the time the basement wall is one metre in height, a survey and report must be submitted to the Principal Certifying Authority indicating the position of the external walls in relation to the boundaries of the allotment, and the setbacks. Any encroachments of the subject building over the boundaries must be removed prior to continuation of building construction work, or written approval sought by Council’s Director City Planning, Development and Transport for minor encroachments (less than 40 millimetres) prior to the continuation of work.

(b) AT EACH LEVEL – Prior to the pouring of concrete at each level of the building, a check survey of the formwork shall be carried out by a registered surveyor, showing by means of clearly annotated offsets the position of the formwork in relation to the boundary, and the position of the proposed external face of the building, based upon the surveyed position of the formwork. Any potential encroachment of the building at levels ground to level 2 must be rectified prior to continuation of building construction work. At levels 3 and above, any building elements extending over the boundary by more than 450 millimetres shall be removed prior to continuation of building work. It should be noted that under Schedule 4 of the Sydney DCP 2012, 450 millimetres is the maximum permissible encroachment of building elements at heights of 3 metres above the footpath.

(c) AT COMPLETION – Prior to the issue of any Interim or Final Occupation Certificate - A Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the side boundaries other than those permissible in clause b) above must be removed prior to the issue of any Interim or Final Occupation Certificate.
(121) STORAGE

Prior to the issue of any occupation certificate the Principal Certifying Authority must be satisfied that the minimum storage requirements of the Apartment Design Guide have been met. No more than 50% of the minimum storage requirements for each apartment is to be provided within the basement.

(122) BASIX

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

(123) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

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

(b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

(c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

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

The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

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

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

(a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City’s Construction Regulation Unit.

(b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.

(c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.

(d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

(126) **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.*

(127) **ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

(128) **ENCROACHMENTS – PUBLIC WAY**

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

(129) **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.

(130) **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.
(131) SYDNEY WATER CERTIFICATE

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au 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 an Occupation Certificate or subdivision/strata certificate being issued.

(132) 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.

(133) 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.
(134) USE OF MOBILE CRANES

The following requirements apply:

(a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

(b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

(c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

(135) STREET NUMBERING – MAJOR DEVELOPMENT

Prior to any Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

(136) PHYSICAL MODEL (AS BUILT)

(a) Prior to any Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House. Note:

(i) The model must be constructed in accordance with the Model Specifications available online at http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements Council’s modellers must be consulted prior to construction of the model.

(ii) The model is to comply with all of the conditions of the Development Consent.

(iii) The model must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

(137) ELECTRONIC CAD MODEL (AS BUILT)

(a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
(b) The data required to be submitted within the surveyed location must include and identify:

(i) building design above and below ground in accordance with the development consent;

(ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;

(iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information’s SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

(c) The electronic model must be constructed in accordance with the City’s 3D CAD electronic model specification. The specification is available online at http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements Council’s Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

(138) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority 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.
SCHEDULE 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.
SCHEDULE 3

TERMS OF APPROVAL

OTHER INTEGRATED DEVELOPMENT APPROVALS

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

1. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.

2. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.

3. If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.

4. WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).

5. If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.