

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 addressing the following matters:

- (a) The layout of the basement levels are to be amended to address the following:
 - (i) Accessible car parking is to be maximised on Basement Levels 1 and 2;
 - (ii) No part of Basement 1 that is located under the future Fellmonger Place and Barker Street is to be used for parking any vehicles or for private storage purposes that are not under common property.
- (b) The ground floor (Level 1) plan is to be amended to illustrate the following:
 - (i) 27 bike parking spaces and 27 lockers are to be provided for staff of Sites 7 and 17 within the End of Trip Facilities on Site 17;
 - (ii) The proposed visitor bicycle parking spaces arrangements within Fellmonger Place (24 spaces) and Barker Street (32 spaces) are not approved. Alternate visitor bicycle parking arrangements shall be prepared supported by the following information as part of the analysis:
 - a. A scaled ground floor plan that details all of the existing and planned public domain elements such as outdoor dining, existing bike parking, street furniture, lighting posts, traffic signage etc. within close proximity to the site;
 - b. A scaled circulation plan showing pedestrian, cycle and vehicle movements within close proximity to the site including full utility and service vehicle requirements, substations etc; and
 - c. Examine visitor bike parking opportunities in the context of the surrounding streets within close proximity to the site and the Plaza for a responsive design layout to the required bike visitor parking associated with the subject development.
 - (iii) How equitable access will be provided into the buildings, 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.

- (iv) Provision of waste rooms for both general and bulky waste for the retail and commercial uses on Site 17.
 - (v) Provision of a bulky waste room for the retail and commercial uses on Site 7.
 - (vi) A bulky goods storage collection area adjacent to the loading dock to cater for all waste (retail, commercial and residential) generated from all buildings on Sites 7, 17 and 18.
 - (vii) The Tweed Place fire egress door shall be brought forward towards the street.
- (c) The Community Room on Level 7 of Site 7 is to be acoustically insulated for use as a resident's music room as well as a Community Room.
- (d) To ensure compliant natural cross ventilation:
- (i) The communal terrace associated with the Community Room on Level 7 of Site 7 shall be deleted so as to optimise access to prevailing winds for Apartment 7.6.7; and
 - (ii) Openable windows shall be provided to the stairs of Apartments 7.6.8 and 7.6.9.
- (e) Privacy mitigation measures are to be installed to the windows of the development at the following locations:
- (i) South eastern windows of Site 17 on Levels 5 to 13 that face Site 18;
 - (ii) North western windows of Site 7 on Levels 5-17 that face Site 6;
 - (iii) South eastern windows of Site 7 and north western windows of Site 17, on Levels 5 to 13 of both buildings, which are on opposite sides of Fellmonger Place; and
- (f) An openable window is to be provided to the common residential corridor on each floor of each building which includes residential dwellings.
- (g) Details are to be submitted of the glazed walls to the corridors and courtyard boundary walls of the podium apartments on Site 7 to ensure light, fresh air and outlook to those spaces are preserved, as well as privacy between residential apartments across the communal space.
- (h) Building parapets shall be provided to ensure sufficient freeboard and depth to allow draining of the rooves.
- (i) 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.
- (j) The southern corner of Site 17, including the suitability of the blade wall near the recessed visitor bicycle parking spaces, shall be refined.

- (k) A minimum clear height of at least 3.2m (from the finished level of the public footpath) shall be provided to the underside of all awnings.
- (l) A minimum floor to ceiling heights of 3.3m shall be provided to all ground floor (Level 1) retail tenancies.
- (m) Solar shading shall be provided to the south west facing apartments within Sites 7 and 17 to alleviate the impacts from mid-summer afternoon sun.

(2) LOADING DOCK AND BASEMENT MANAGEMENT PLAN

- (a) An updated 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 also detail the methodology and schedule for transferring waste and goods from all buildings (especially Sites 17 and 18) collection points to the bin storage room and loading dock area located in Site 7. This must consider who will transfer the bins and goods, 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). The plan is to be consistent with the Waste Management Plan in this regard.
- (f) 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.
- (g) 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.

- (h) An updated 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) Swept path analysis to show how a 9.25m Council Waste Vehicle can enter and exit the subject site in a forward direction.
 - (ii) The Waste Management Plan must account for all uses within the 3 buildings, including any future food premises, and address the construction stage of the development.
 - (iii) 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).
 - (iv) 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.
 - (v) 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.
 - (vi) 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).
 - (vii) Ensure that all compactors and chutes are not accessible by the public.
 - (viii) Commercial waste agreements must be in place prior to any commercial businesses trading
 - (ix) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with Waste Services.
 - (x) The development must have a residential rating or applied for a residential rating prior to a City of Sydney Waste service commencing.
 - (xi) 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 95(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 in accordance with Development Application No. D/2017/564 dated 5 May 2017, and the following drawings prepared by Silvestre Fuller and Mirvac Design:

Drawing Number	Drawing Name	Date
000 Revision B	Cover Sheet	18/4/19
001 Revision A	BASIX Summary	18/4/19
010 Revision C	Site Plan	7/5/19
011 Revision C	Site Analysis Plan	7/5/19
110 Revision B	Basement 03	18/4/19
111 Revision B	Basement 02	18/4/19
112 Revision B	Basement 01	18/4/19
113 Revision D	Ground Plan	18/4/19
114 Revision D	Level 02	18/4/19
115 Revision D	Level 03	18/4/19
116 Revision D	Level 04	18/4/19
117 Revision D	Level 05	18/4/19
118 Revision G	Level 06	18/4/19
119 Revision D	Level 07	18/4/19
120 Revision D	Level 08	18/4/19

Drawing Number	Drawing Name	Date
121 Revision D	Level 09	21/5/19
122 Revision C	Level 10 - 13	21/5/19
123 Revision C	Level 14	21/5/19
124 Revision A	Level 15-16	2/11/18
125 Revision A	Level 17	2/11/18
126 Revision A	Level 18	2/11/18
127 Revision A	Level 19	2/11/18
128 Revision B	Roof Plan	18/4/19
200 Revision C	Plaza Elevation	18/4/19
201 Revision C	Ebsworth Street Elevation	18/4/19
202 Revision C	Tweed Place Elevation Site 7	18/4/19
203 Revision C	Fellmonger Place Elevation Site 7	18/4/19
204 Revision C	Fellmonger Place Elevation Site 17	18/4/19
205 Revision C	Barker Street Elevation Site 17	18/4/19
300 Revision D	Section AA	18/4/19
301 Revision B	Section BB	18/4/19
303 Revision B	Section CC	18/4/19
910 Revision A	Awning Details – Site 7 Elevations	18/4/19
911 Revision A	Awning Details – Site 17 Elevations	18/4/19
912 Revision A	Awning Details - Sections	18/4/19
210 Revision B	Elevation Key	7/5/19

and as amended by the plans submitted as required by deferred commencement condition (1) and the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans required by deferred commencement condition (1) and supplementary documentation, the drawings 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 a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning 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 29 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.

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.

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.

- (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. To arrange payment, contact the Housing Policy Team, NSW Department of Planning 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 = $C \times \text{HPI2} / \text{HPI1}$, where:
 - (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent.

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

(4) MATTERS NOT APPROVED

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

- (a) Building signage;
- (b) Fit-out of the retail and commercial tenancies, and the entertainment facility (cinema);
- (c) Outdoor dining areas; and
- (d) Installation of individual air conditioning units to the facade or balconies of the building.

(5) FIT-OUT OF RETAIL AND COMMERCIAL TENANCIES - SEPARATE DA REQUIRED

A separate development application for the fit-out of the Level 1 retail tenancies in both buildings, and commercial tenancies on Levels 2 to 5 at Site 17 and Levels 4 to 5 on Site 7, must be submitted to and approved by Council prior to the approved use commencing, except where the fit-out and use is exempt or complying

development under an environmental planning instrument or development control plan.

(6) FIT-OUT OF ENTERTAINMENT FACILITY (CINEMA) - SEPARATE DA REQUIRED

A separate development application for the detailed fit-out of the cinema on Levels 1-5 of Site 7, must be submitted to and approved by Council prior to that fit-out commencing.

(7) HOURS OF OPERATION - CINEMA

The hours of operation are restricted to between 10.00am and 1.00am, Monday to Sunday.

(8) HOURS OF OPERATION – RETAIL AND COMMERCIAL TENANCIES

The hours of operation are restricted to between 7.00am and 10.00pm, Monday to Sunday.

(9) PLAN OF MANAGEMENT

The applicant shall provide an updated overarching Plan of Management for the operations of the retail and commercial tenancies and the cinema. The purpose of this Plan is to establish performance criteria for various aspects of the operations of those uses having regard to the relevant matters under the *Environmental Planning and Assessment Act 1979* and the *Liquor Act, 2007*. The Plan of Management shall address;

- (a) Hours of operation;
- (b) Amenity of neighbourhood;
- (c) Noise;
- (d) Behaviour of patrons and responsible service of alcohol;
- (e) Deliveries and waste removal and management;
- (f) Maintenance;
- (g) Removal of liquor in open containers;
- (h) House policy;
- (i) Staff;
- (j) Security Management Plan;
- (k) Capacity of premises;
- (l) Use of levels.

(10) MAXIMUM CAPACITY OF PERSONS - CINEMA

- (a) The maximum number of persons (including staff and patrons) permitted in the cinema at any one time is 840 persons.
- (b) The capacity shall not exceed the maximum number at any given time.
- (c) The manager is responsible for ensuring the number of persons in the cinema does not exceed that specified above.
- (d) A sign in letters not less than 25mm in height must be fixed at the main entry point to the cinema alongside the Manager's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details of the sign are to be submitted to Council's Health and Building Unit for approval prior to issue of a Construction Certificate.

Note: Clause 98D of the *Environmental Planning and Assessment Regulation 2000* requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (i) entertainment venue,
- (ii) function centre,
- (iii) pub,
- (iv) registered club,
- (v) restaurant.

(11) MAIL ROOMS

All mail rooms shall be secured with access restricted to Australia Post and residents only.

(12) 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 including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
 - (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.

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

(13) 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; and
 - (ii) within the ground floor (Level 1) retail tenancies, a minimum floor to ceiling height of 3.3m is provided in all publicly accessible areas with the exception of sanitary facilities.
- (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.

(14) 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.

(15) 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.

(16) MATERIALS AND SAMPLES BOARD

- (a) A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions, or use terminology such as 'or similar'.
- (b) The sample board submitted to comply with part (a) above should also include, among other details, the colour and materials for the roof top plant screening to be used.

(17) LANDSCAPING OF THE SITE

- (a) The landscape drawings by Arcadia Landscape Architecture dated 04/2019 are not approved. Detailed landscape plans, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan 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, relevant mechanical, electrical and hydraulic services and other features;
 - (ii) Detailed hard works, including RLs to all finished surfaces, planter walls, fences and other structures. The majority of planter walls should be no higher than 450mm above the adjacent finished floor level, whilst maintaining the soil depths listed below.
 - (iii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes including cross-sectional details of all components. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers excluding drainage and mulch layers. Mounding of soil is acceptable up to a maximum depth of 200mm;

- (iv) Details of the soil media/substrate type and depth, drainage/water retention cells and mulch layer;
 - (v) Location, numbers, type and supply of plant species with preference for drought resistant species;
 - (vi) Details of planting procedure and maintenance;
 - (vii) Details of drainage, waterproofing and watering systems including overflow provisions.
- (b) Prior to the issue of a 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 at all times during occupation of the property.
 - (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(18) SIGNAGE STRATEGY

- (a) 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.
- (b) Signage solutions with architectonic integrity must be incorporated in the podium facades on Green Square Town Centre Plaza and Ebsworth Street with evidence submitted of the original project architect's involvement on developing an appropriate signage strategy for the building.

(19) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 4.52:1 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 23,094.4m².
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan (Green Square Town Centre) 2013, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(20) RESTRICTION ON BONUS FLOOR SPACE – OFFICE AND BUSINESS PREMISES AND ENTERTAINMENT FACILITY (CINEMA)

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 4,200sqm of floor space has been approved for office and business premises' and

an entertainment facility (cinema), which is to be retained for those uses only. The Restriction is to be created appurtenant to Council and at no cost to Council.

(21) BUILDING HEIGHT

(a) For Site 7:

- (i) The maximum height of the residential tower must not exceed RL 74.950 (AHD) to the top of the building and RL 72.45 (AHD) to the parapet of the building; and
- (ii) The maximum height of the Level 9 podium must not exceed RL 44.680 (AHD) to the top of the fire stair enclosure on the northern side of the communal open space and RL 43.40 (AHD) to the top of the balustrade.

(b) For Site 17:

- (i) The maximum height of the residential tower must not exceed RL 62.010 (AHD) to the top of the building and RL 60.46 (AHD) to the parapet of the building; and
- (ii) The maximum height of the Level 6 podium must not exceed RL 37.3 (AHD) to the top of the shade structure and RL35.420 (AHD) to the top of the perimeter balustrade.

(c) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) and (b) above, to the satisfaction of the Principal Certifying Authority.

(22) ROOF - TOP PLANT

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

(23) 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 the Construction Certificate.

(24) ALCOVE LIGHTING

The alcoves along the external elevations of the development 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 impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor is being caused to the amenity of the area.

(25) AWNING MAINTENANCE

All the awnings must be regularly inspected and maintained to ensure the structural integrity, aesthetic and functional quality.

(26) 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_{avg}/E_{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.

(27) ACCESS TO ELECTRICAL SUBSTATIONS

Details of the how the electrical substations on the ground floor of Site 7 along Tweed Place will be serviced are to be submitted to Council for comment and approval prior to issue of any Construction Certificate. The details shall incorporate the operational requirements of Ausgrid and demonstrate that street trees adjacent to the substations will not be unreasonably impacted by their servicing.

(28) 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 20 October 2018, reference 20150608.1/0925A/R1/TT Revision 1 (TRIM 2018/604844), 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 relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the certifier.
- (c) Prior to the issue of an Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier/Principal certifying Authority that the

development complies with the requirements set out in the Report and in (a) and (b) above.

Note: *Suitably Qualified Acoustic Consultant* means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustical Consultants at the grade of member.

- (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.

(29) PERFORMANCE GLAZING TO SOUTH WEST ELEVATION

Prior to the issue of any occupation certificate, the Principal Certifying Authority must be satisfied that all of the windows of apartments within the approved development that are south west facing (fronting Green Square Plaza) have 6.388mm laminated glazing with acoustic seals (STC 31) as per the recommendations in Acoustic Logic's letter dated 29 September 2017.

(30) 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.

(31) 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.

(32) NOISE LIMITERS - CINEMA

Prior to the commencement of use of the cinema, all sound amplification equipment must comply with the following:

- (a) All sound amplification equipment used in the cinema must be controlled by a Root Mean Square (RMS) noise limiter with an attack time constant not exceeding 0.5 seconds, a release time constant not less than 1 second and a compression ratio greater than or equal to 20:1. The limiter shall be set by a suitably qualified acoustic consultant* in accordance with the manufacturer's specification to ensure that resultant amplified sound complies with the Council's noise criteria for entertainment noise.

- (b) The limiter and all post-limiter equipment including power amplifiers must be tamper proof and only operable by the acoustic consultant, licensee and business owner.
- (c) Prior to the commencement of use of the cinema, the acoustic consultant must submit a Noise Limiter, Compliance & Installation Report to the written satisfaction of the Planning Area Manager. This report will certify that the limiter/s were installed, tested and calibrated such that amplified noise will comply with the NOISE – ENTERTAINMENT Condition and any relevant requirements of the COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION & OCCUPATION CERTIFICATES condition. The report will be prepared in accordance with the following requirement:
 - (i) An initial calibration of the operation of the limiter with the sound amplification equipment is to be undertaken and reported on following receipt of the occupation certificate and prior to commencement of business. This assessment shall include setting of the amplification system in addition to a documented overview of the system so that compliance is achieved with the noise criteria as referenced in parts (a) to (c) above.
 - (ii) The settings of the limiter and subsequent equipment shall be benchmarked at the time of the above operational assessment. Pink noise shall be fed into the amplification system and the level of the noise signal increased until the limiter operates continuously. The L_{Aeq} and L_{Ceq} (1/1 octave bands - 31.5 Hz to 8 kHz centre frequencies) levels shall be measured at a reference location in the centre of the patron area in addition to the centre of the relevant dance area (if present) and other required locations, with the premise empty other than essential staff. Additionally, correlating L_{Aeq} and L_{Ceq} measurements at identified nearby noise sensitive receivers are to be conducted whilst pink noise is being generated. The results shall be recorded and reported on such that compliance with the above noise control requirements will be achieved.
 - (iii) Following the above, music shall be played through the sound system(s) with the limiter(s) in continuous operation. The $L_{Aeq\ 10\ minute}$ and $L_{A10\ 10\ minute}$ 1/1 octave band (31.5 Hz through 8 kHz centre frequencies inclusive) levels shall be measured at the same nominated internal and external reference locations as above. The results shall be recorded and reported on and demonstrated to comply with the above noise control requirements.
 - (iv) The report will address the limiter installed within the cinema complex (including but not limited to its brand, type specifications and location) including the noise control levels the limiter was set to (including a copy of the software configuration file for any digital signal processing device used). Furthermore, all post limiter equipment will be photographed, documented and catalogued in the report including location on a layout drawing.
- (d) Following submission of the report to Council and receipt of written approval by the Area Planning Manager, a copy of the report is to be kept on the premises at all times, signed and dated by the licensee and business owner.

From this point forward the licensee and business owner will be responsible for the following:

- (i) The upkeep of the system and ensuring that it is not tampered with or unauthorised modifications made. Repairs and replacements may be made to the system as necessary with any like component that does not increase the permitted noise amplification levels.
 - (ii) That no additional amplification equipment is to be brought onsite.
 - (iii) That part (a) of this condition is complied with.
- (e) Modifications to the system are not to be undertaken by the proponent unless authorised in writing by the Planning Area Manager. Any terms given in writing at this time will form part of this consent as part of this condition. At a minimum, re-evaluation of parts (a) through (c) of this condition will be required unless otherwise specified.

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.

(33) NOISE - ENTERTAINMENT

- (a) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the $L_{A10, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency

(31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level $L_{A90, 15 \text{ minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment L_{A90} / rating L_{A90} methodology in complete accordance with the process listed in the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

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

(35) 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.

(36) 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.

(37) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building 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 (Green Square Town Centre) 2013.

- (b) A restrictive covenant is to be registered on the title of all residential lots and common property of the future strata plan in the above terms and restricting any change of use of those levels from residential accommodation as defined in the Sydney Local Environmental Plan (Green Square Town Centre) 2013. The covenant is to be registered on the title of the strata lots prior to any Interim or Final Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (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.

(38) 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 any 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.

(39) RESTRICTION ON USE OF STORAGE SPACES - COMMERCIAL

The following conditions apply to storage allocated to the commercial/retail component of the development:

- (a) The storage spaces allocated to the commercial/retail component of the development 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 commercial tenancies 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 storage 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 storage part - lots in the Strata Scheme.

(40) 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 7 of Site 7 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.

(41) STRATA TITLE PARKING SPACES

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

(42) PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from service vehicle, car share and car wash spaces which are to be used only by those intended 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.

(43) ALLOCATION FOR CAR WASH BAYS

The car wash bay 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.

(44) 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.

(45) 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 Council prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	81
Accessible residential spaces	39
Subtotal	
Motorcycle parking	5
Car share parking	2
Car wash bay	1
Service vehicle spaces	6
Small Rigid Vehicle loading dock(s)	1
Articulated Vehicle loading dock(s)	2

Notes:

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

(46) COMPLIANCE WITH LOADING DOCK AND BASEMENT MANAGEMENT PLAN

All operations and use of the loading dock and basement shall comply with the Loading Dock and Basement Management Plan, which incorporates the Waste Management Plan that are submitted and approved under the deferred commencement condition (2) of this consent.

(47) ASSOCIATED ROADWAY COSTS

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

(48) 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.

(49) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Site 7 & 17	Requirements
Residential	194	Spaces must be a class 2 bicycle facilities

Residential visitor	19	Spaces must be Class 3 bicycle rails
Non-residential staff	27	Spaces must be Class 2 bicycle facilities
Non-residential visitor	74	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	5	
Personal lockers	27	

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 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Council prior to the Construction Certificate being issued.

(50) 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.

(51) 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.

(52) 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.

(53) 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.

(54) 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*.

(55) 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.

(56) 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.

(57) CAR PARK VENTILATION

The car park must be ventilated in accordance with the *Building Code of Australia* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

(58) 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.

(59) 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.

(60) 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 (i.e. continuous footpath pavement) per Council's DCP2012 Section 3.11.11 (6).

(61) CAR SHARE SPACES

- (a) The 2 car parking spaces approved for the exclusive use of car share scheme vehicles 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.
- (b) The spaces must be made available to car share operators without a fee or charge.
- (c) The spaces must be sign posted for use only by car share vehicles and well lit.
- (d) The spaces 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.
- (e) The car share spaces are to be available at the same time that the car park commences operation.

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

(62) 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.

SCHEDULE 1B

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

(63) 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*.

(64) 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.

(65) 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*.

(66) 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.

(67) TEMPORARY ACCESS ARRANGMENT

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.

(68) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor and designed by a suitably qualified engineer, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a and 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.

(69) 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".

(70) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

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

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

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

(71) PUBLIC DOMAIN PLAN

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

changes prior to a Construction Certificate being issued for public domain work.

- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (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.

(72) 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).

(73) 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*.

(74) 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.

(75) 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.

(76) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 157.5 lineal metres of concrete site frontage and 116 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.

(77) 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.

(78) 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.

(79) ESSENTIAL INFRASTRUCTURE CO-ORDINATION

The Public Domain and Essential Infrastructure and Services, including Alignment Levels must be designed and constructed in accordance with the Green Square Town Centre Public Domain Strategy, City's Sydney Streets Technical Specification and the relevant Authorities requirements. The design of these works is to take into account any further refinement of the Essential Infrastructure DA (D/2012/1175) documentation undertaken by the City and as issued prior to issue of any Construction Certificate.

(80) 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*).

(81) 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.

(82) 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.

(83) 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, Part 1: 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.

(84) 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 Council 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.

(85) 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.

(86) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Overarching Remedial Action Plan, Green Square Town Centre prepared by JBS Environmental Pty Ltd dated September 2013, reference number JBS 42401-52230 Rev 0, Council reference 2014/007714 and the Development Blocks 7/17/18 Remedial Action Plan, prepared by JBS&G dated 15 November 2018 reference 51735/119288, Council reference 2018/604628 and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Melissa Porter dated 15 November 2018, Council reference TRIM 2018/604628. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

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

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

(87) 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.

(88) 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.

(89) 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.

(90) 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.

(91) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and 2 - 2012. The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and 2 – 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the *Building Code of Australia*, to the satisfaction of the Certifying Authority prior to the issue of 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.

(92) 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) *Public Health Act 2010, Public Health Regulation 2012* and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of *AS3666:2011 Air Handling and Water Systems of Buildings – Microbial Control* and the *NSW Health Code of Practice for the Control of Legionnaires Disease*.
 - (ii) Prior to the issue of 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.

(93) 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.

(94) 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 be implemented prior to the commencement of the excavation work.

(95) 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.

(96) 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).

(97) 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.

(98) 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*).

(99) 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.

(100) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(101) 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.

(102) 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 2 'Loading Dock and Basement Management Plan'); other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

(103) 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.

(104) 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.

(105) 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.

(106) 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.

(107) 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).

(108) 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.

(109) 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".

(110) PUBLIC ART

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.

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.

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

(111) 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.

(112) 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.

(113) 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.

(114) 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.

(115) 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.

(116) 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.

(117) 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.

(118) 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.

(119) 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.

(120) 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

(121) FUTURE LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made to Council to obtain the approval of the future plan of subdivision and issue of a Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979*, for the future stratum subdivision of the property for the purpose of dedicating the roads referred to in condition 5 below.

If additional lots are required to separate the residential and commercial uses in the development, a Development Application under Section 78 of the *Environmental Planning and Assessment Act 1979*, must be made, including a plan of proposed subdivision prepared by a registered surveyor.

(122) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

A separate application must be made to Council or an accredited certifier to obtain approval of any Strata Plan and issue of a Strata Certificate under the *Strata Schemes (Freehold Development) Act 1973*.

(123) DEDICATION OF ROADS

Prior to the issue of any Interim or Final Occupation Certificate for the site, the owner must dedicate for road purposes, free of cost to Council, the streets nominated as Barker Street and Fellmonger Place in accordance with plans annexed to the registered VPA for the site. The lower limit of these streets shall be a horizontal or inclined plane located 50 millimetres above the upper surface of the waterproofing membrane applied to the upper surface of the concrete slab forming the roof of Basement 1.

The land to be dedicated as public road must be unencumbered at the time of dedication. All easements and other affectations shall be extinguished either prior to or at the time of dedication.

(124) SYDNEY WATER CERTIFICATE - SUBDIVISION

Prior to the issue of any future Subdivision Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

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

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

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to a Subdivision Certificate being issued. A separate Section 73

certificate will not be required for the stage 2 subdivision as it will involve road dedication only.

(125) 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.

(126) 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.

(127) 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.

(128) 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.

(129) 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.

(130) 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.

(131) 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 millimeters) 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.

(132) 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.

(133) BASIX

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

(134) HOURS OF WORK AND NOISE

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. 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.

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*.

(135) 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.

(136) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of (EHO to specify hours)
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian

(137) 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

(138) 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.*

(139) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(140) ENCROACHMENTS – PUBLIC WAY

All doors (including when open), access stairs and ramps related to the development shall be set out such that no part (including tactile indicators and handrails) shall encroach onto the footpath or other parts of the public domain.

(141) 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.

(142) 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.

(143) 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.

(144) 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.

(145) USE OF COMMON AREAS AND FACILITIES

The communal terraces must be available for the use of all residents of the building, and must be designated as common property on any future strata subdivision of the site, with no exclusive use rights.

(146) SWINGING DOORS OVER PUBLIC WAY

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

(147) NON-ROAD FRONTAGE SHOP NUMBERING - EASE OF IDENTIFICATION

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

(148) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the site with particular coverage to principal entrance/s and exits, and all areas within the buildings occupied by the public (excluding toilets).

- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to both buildings and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly.
- (f) All CCTV recording devices and cameras shall be operated at all times when the buildings are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device shall be secured within the buildings and only be accessible to building management so as to maintain the integrity of the recorded footage.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

(149) USE OF THE LOADING DOCK

The use of the loading dock must only occur between the hours of 7:00am and 10:00pm Monday to Sunday.

(150) 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

PRESCRIBED CONDITIONS

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