

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## **PART A - DEFERRED COMMENCEMENT CONDITIONS**

### **SCHEDULE 1**

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

#### **(1) VOLUNTARY PLANNING AGREEMENT**

- (a) The Voluntary Planning Agreement between the Council of the City of Sydney and Ozimex International Pty Ltd and Marina Royal Pty Ltd which was placed on public exhibition between 15 October 2019 and 13 November 2019 shall be executed and submitted to Council; and
- (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
- (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

#### **(2) NATURAL VENTILATION**

Natural ventilation is to be provided in accordance with the arrangements shown on Drawing 611 Revision H, dated 02.10.19. The design of the natural ventilation and associated attenuation devices is to be further detailed and resolved as follows:

- (a) Where attenuated natural ventilation is provided, apartments shall also be provided with opening windows with an effective open area sufficient to make-up the 5% area stated in the ADG guidelines. This additional open area is not required to be acoustically attenuated.
- (b) The design of all attenuated natural ventilation systems is to be in accordance with the City of Sydney's draft Alternative Natural Ventilation of Apartments in Noisy Environments: Performance Pathway Guideline.
- (c) The design of the attenuated natural ventilation is to ensure ease of access to the inside of any plenums or ducts for cleaning and maintenance.
- (d) The design of the plenum is to include a selection of louvres, dampers, grilles, fly screens and similar to demonstrate the minimum effective open areas required for natural ventilation and achieved.
- (e) All relevant architectural drawings listed at Condition (1) of Part B of this consent including all plans, internal and external elevations and sections, must be amended to show all visible physical components of the natural ventilation system design to satisfy (a) to (d) above. The components must be described in sufficient detail to demonstrate the final appearance, and include manufacturer details for proprietary products, including materials, colours, and finishes. Where non-standard components are used, detail drawings at 1:10 scale must be provided to demonstrate how they are integrated into building fabric.

(B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of determination of this deferred commencement

consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

- (C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (D) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

## PART B – CONDITIONS OF CONSENT (ONCE THE CONSENT IS IN OPERATION)

### 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/2018/871 dated 30 July 2018 and the following drawings prepared by Envirova Studio:

Drawing Number	Drawing Name	Date
030, F	Site Plan	16.09.19
040, D	Demolition Plan	22.03.19
100, F	Basement 2	16.09.19
101, F	Basement 1	16.09.19
102, F	Level 1	16.09.19
103, H	Level 2	02.10.19
104, H	Level 3	02.10.19
105, H	Level 4	02.10.19
106, H	Level 5	02.10.19
107, G	Level 6	27.09.19
110, F	Roof Plan 1	16.09.19
120, F	Section A	16.09.19
121, F	Section B	16.09.19
130, F	South East	16.09.19
131, F	North West	16.09.19
132, F	North East	16.09.19
133, F	South West	16.09.19

Drawing Number	Drawing Name	Date
134, F	North West Internal	16.09.19
135, F	South East Internal	16.09.19
201, E	Window + Door Schedule – Sheet 1	16.04.19
202, E	Window + Door Schedule – Sheet 2	16.04.19
210, D	Materials + Finishes Schedule	22.03.19
211, D	Terms and Abbreviations Summary	22.03.19
610, H	Ventilation Details	02.10.19
611, H	Ventilation Diagram	02.10.19

except where amended as required by Deferred Commencement Condition (2) and as amended by the conditions of this consent.

- (b) The plans submitted as required by Deferred Commencement Condition (2) when approved by Council, form approved conditions of consent and development is required to be in compliance with those plans.
- (c) In the event of any inconsistency between the approved plans referred to in (b) above and supplementary documentation, the plans will prevail.

## **(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) side fences to adjacent properties are to be no higher than 1.8m above the adjacent finished floor level within the site, as annotated in red on the stamped approved plans;
- (b) external doors to residential entry foyers, the retail tenancy, the House of Indonesia tenancy and fire stairs are to be clearly shown on plans so as to be consistent with the relevant elevation drawings;
- (c) letterboxes adjacent to the Botany Road frontage are to be relocated to be behind the glass-line, inside the Botany Road residential entry foyer, as annotated in red on the stamped approved plans;
- (d) the Level 6 internal study is to be deleted from apartments 26, 27, 28, 29 and 30. The space is to be reallocated to bedroom 2 in each unit;

- (e) the application of dulux 'lady in red' colour paint to the Birmingham Street end of the south west elevation is not approved. This colour is to be replaced with a more neutral white or grey colour selected from the palette of colours shown on drawing no. 210, Rev. D;
- (f) horizontal angled louvres are to be applied to the outside of south-west facing bedroom windows on levels 2, 3 and 5 of the Botany Road building element;
- (g) horizontal louvres to windows in the north-west (Birmingham Street) elevation are to be adjustable, retractable louvres with manufacturer's details to be submitted to and approved by Council's Area Planning Manager as detailed below;
- (h) adjustable, retractable shading is to be applied to the internal north-west elevation to provide sun-shading to windows and balconies with manufacturer's details to be submitted to and approved by Council's Area Planning Manager as detailed below;
- (i) south-east facing windows of level 6 bedrooms are to be designed to prevent access to and from the adjacent garden planter;
- (j) design details of south-east facing windows of level 6 bedrooms are to be coordinated to be consistent across all relevant architectural and landscape design drawings;
- (k) the secure door to the non-accessible roof garden atop the Botany Road building is to be relocated from the half height landing above level 6 to level 6;
- (l) a secure gate is to be provided for secure access to the level 1 communal open space from the Botany Road residential entry ramp;
- (m) construction details at 1:20 scale for all facade planters, privacy screens, walls, balustrades, shade structures located in landscape and roof areas are to be submitted and approved in accordance with the requirements of this condition;
- (n) construction details to demonstrate the carpark exhaust does not directly vent onto or adversely impact upon planting in common open spaces are to be submitted and approved in accordance with the requirements of this condition;
- (o) design details illustrating the location of all plant including rainwater tanks and storage tanks pertaining to the irrigation and fertilising of the facade and terrace planters are to be submitted and approved in accordance with the requirements of this condition; and
- (p) the Materials + Finishes Schedule (drawing no. 210, D) and any relevant drawings are to be amended so as to delete any notations or references to generic material or colour descriptions, or use terminology such as 'or similar'.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

### **(3) MATERIALS AND SAMPLES BOARD**

- (a) A physical material sample board which specifies all proposed materials, finishes and colours, including visible rainwater goods and services, must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.
- (b) The physical material sample board is to incorporate changes to materials prescribed by the DESIGN MODIFICATIONS condition above;
- (c) The physical materials and samples board must not include generic material or colour descriptions, or use terminology such as 'or similar';
- (d) All surfaces notated as off-form concrete are to be constructed as notated (from board finish off-form concrete).

### **(4) STUDIO BED AREAS MUST NOT BE ENCLOSED**

Prior to the issue of any Occupation Certificate the Principal Certifier must be satisfied that any bed area within any of the approved studio apartments is not enclosed with any type of structure, including stud walls, glazed doors, curtains or any other barrier to natural ventilation.

### **(5) STORAGE ALLOCATION AND DESIGN DETAILS**

- (a) Storage areas must be configured to provide all apartments with a quantum of storage space in accordance with Design criteria (1) of Objective 4G-1 of the Apartment Design Guide, including apartments 14 and 20;
- (b) All storage areas must be fitted with built-in cupboards, shelves or the like;
- (c) Any storage provided in basement areas must be provided within a secure enclosure;
- (d) Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must be satisfied that parts (a) to (c) of this condition have been addressed and all storage areas shown on the storage schedule have been fitted with built in cupboards, shelves or the like.

### **(6) VENTILATION, SECURITY AND WEATHER PROTECTION**

All habitable rooms must have a combination of openable sashes and/or louvres that ensure a minimum Effective Openable Area (EOA) for ventilation purposes as required by the NCC and the Apartment Design Guide (ADG) when opened to the maximum dimension permitted under the NCC provisions for Protection of Openable Windows.

The sashes and/or louvres must provide the minimum EOA under most wet weather conditions and must also be securable to prevent unauthorised entry when open. The minimum EOA must be provided in addition to any external doors as these cannot be adequately weather-protected or secured when left partially open. A reduction for fly screens must be taken into consideration to account for any future installation.

The method of measurement must be in accordance with the definition of EOA as defined by the Apartment Design Guide, which is:

*‘the minimum area of clear opening of a window that can take part in providing natural ventilation. The effective openable area of a sliding or hung sash window can be measured in elevation. Hinged windows such as casement, awning and hopper windows may measure the diagonal plane from the sash to the jamb and add the triangles at either end up to a total area of the window opening in the wall. Obstruction within 2m of a window reduce the effective openable area as measured in elevation. Fly screens and security screen will reduce the effective openable area by half’.*

- (a) Prior to the issue of a Construction Certificate, the following details of the proposed fenestration must be submitted to, and approved by Council’s Area Coordinator Planning Assessments / Area Planning Manager:
  - (i) Detailed elevation drawings and a window schedule which show the size, type and location of all openable sashes / louvres in relation to the floor area served by those sashes;
  - (ii) Details of any proposed insect screens or other barriers to free air flow;
- (b) Evidence that all fenestration details shown in the approved drawings described in part (a) above have been completed is to be provided to the Principal Certifier prior to any Occupation Certificate being issued.

**(7) HOURS OF OPERATION – RETAIL TENANCY AND HOUSE OF INDONESIA**

- (a) The indoor hours of operation are restricted to between 7.00am and 10.00pm Monday to Saturday and 7.00am and 8.00pm on a Sunday or a public holiday.
- (b) The outdoor hours of operation (within the central open space areas or within the loggia to Botany Road) are restricted to between 7.00am and 8.00pm, Monday to Sunday.

**(8) BUILDING HEIGHT**

- (a) The height of the Botany Road building must not exceed RL 32.10 (AHD) to the top of the building.
- (b) The height of the Birmingham Street building must not exceed RL 32.10 (AHD) to the top of the lift overrun, RL 30.40 (AHD) to the top of the pergola and RL 28.70 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**(9) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the retail use must not exceed 0.09:1; for the business use must not exceed 0.21:1; for the residential use must not

exceed 1.7:1; and for the mixed use must not exceed 2:1 calculated in accordance with the Sydney LEP 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the retail component is 128.98sqm, of the business component is 304.03sqm, for the residential component is 2450.94sqm, and the total Gross Floor Area is 2883.95sqm.

- (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 the Sydney LEP 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

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

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

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$339,574.17
Community Facilities	\$68,629.17
Traffic and Transport	\$62,367.16
Stormwater Drainage	\$24,668.62
Total	\$495,239.13

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

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

Where:

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

$C_{\text{consent}}$  = Is the contribution at the time of consent, as shown above;

$CPI_{\text{payment}}$  = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 115.9 for the June 2019 quarter.

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

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

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

**(11) AFFORDABLE HOUSING CONTRIBUTION – EMPLOYMENT LANDS – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE**

In accordance with Clause 7.13 of Sydney Local Environmental Plan 2012 and the Employment Lands Affordable Housing Program and prior to a Construction Certificate being issued, the applicant must provide evidence that any monetary contribution towards the provision of affordable housing has been paid. Payment is to be by bank cheque made payable to the City of Sydney.

The contribution is \$1,469,798.63 based on the in lieu monetary contribution rate for non-residential development at \$98.82 per square metre of total non-residential floor area (94.2sqm) and for residential development at \$296.47 per square metre of total residential floor area (4,926.3sqm).

If the contribution is paid after the indexation period in which the consent is granted, being 1 September 2019 to 30 November 2019, the above contribution will be adjusted according to the relative quarterly change in the Sydney LGA median strata dwelling price ('MDP') using the following formula.

Contributions at Time of Payment =  $C \times \text{MDP2} / \text{MDP1}$

where:

C is the original contribution amount as shown above;

MDP2 is the median dwelling price for strata dwellings in Sydney LGA taken from the NSW Government Family and Community Services Rent and Sales Report at the time of payment; and

MDP1 is the median dwelling price for strata dwellings in Sydney LGA taken from the NSW Government Family and Community Services Rent and Sales Report at the date of calculation, being 1 September 2019 to 30 November 2019.

Contact Council's Planning Assessment Unit at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) for written confirmation of the amount payable, with indexation as necessary, prior to payment.

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

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by West and Associates dated 10/10/2019 ref

No 2220/9 Issue F titled 11 BIRMINGHAM STREET, 658-660 BOTANY ROAD ALEXANDRIA DEVELOPMENT APPLICATION ACOUSTIC REPORT Council Ref 2019/512720-01 must be implemented in the development prior to the commencement of its use.

- (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 Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic 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.

### **(13) 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.

#### **(14) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT**

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
  - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

#### **For internal residential and commercial amenity only**

- (b) An  $L_{Aeq,15\text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15\text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - (i) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

#### **(15) REFLECTIVITY**

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

**(16) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL, SERVICED APARTMENTS AND MIXED USE**

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to an Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the *Strata Titles (Freehold Development) Act, 1973*, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the *Conveyancing Act 1919* burdening all car parking part - lots in the strata scheme.

**(17) ALLOCATION OF CAR PARKING**

Car parking spaces are to be provided in accordance with the table below. Details confirming the quantity and allocations of car parking spaces is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	15
Accessible residential spaces	5
Residential visitor spaces	4
Commercial Spaces	1
Sub Total	25
Motorcycle parking	3
Total	28

**(18) CAR PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities must comply with the *Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking* and *Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities*.

The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

**(19) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

User	Number of bicycles to be accommodated	Requirements
Residential	30	Class A bicycle parking facility in accordance with AS2890.3 (see note below) or Class B bicycle parking facility in accordance with AS2890.3
Visitor/Customer	6	Class B/C bicycle parking facility located at street level in accordance with AS2890.3
Staff	3	Class B bicycle parking facility in accordance with AS2890.3
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	3	

The layout, design and security of bicycle facilities must comply with *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*. The details must be submitted to and approved by the Certifying Authority confirming prior to the Construction Certificate being issued.

Notes:

- (a) A basement storage area on title and large enough to store a bicycle in accordance with the Bicycle spacing envelope requirements in AS2890.3 can be counted as a space.
- (b) The above table shows a total 38 spaces which is the minimum. Transport planning welcomes any additional bicycle parking spaces as proposed with the submitted plan (44 proposed). At least 20 percent of the total bicycle parking spaces will require to be horizontal.

**(20) VISITOR CAR PARKING TO BE RETAINED AS COMMON PROPERTY**

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

All spaces must be clearly marked 'VISITOR' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times.

**(21) 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 car parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

**(22) COST OF SIGNPOSTING**

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

**(23) 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 "Development Specification for Civil Works Design and Construction".

All costs associated with the construction of new road/footpath 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".

**(24) 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 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*.

**(25) PARKING ON COMMON PROPERTY AREAS**

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

**(26) 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.

**(27) VEHICLES ACCESS**

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

**(28) TURNTABLE OPERATION AND LOADING DOCK MANAGEMENT PLAN**

- (a) Prior to the issue of any Construction Certificate a Turntable Operation and Loading Dock Management Plan is to be submitted to and approved by Council's Area Planning Manager and must provide design details and

operational procedures so that vehicles are able to pass through the car park while a Council waste collection vehicle is parked on the turntable.

- (b) The following information is to inform and is to be submitted in support of the Turntable Operation and Loading Dock Management Plan:
  - (i) Vehicle queuing analysis - a vehicle queuing analysis prepared in accordance with AS 2890 that demonstrates that sufficient on-site waiting bays are provided to accommodate a minimum of 98% of the vehicle queue;
  - (ii) Vertical clearance – a vertical swept path analysis depicting travel paths and vertical clearance for a Council waste collection vehicle in accordance with provision 3.11.13(3)(b) of the Sydney Development Control Plan 2012;
  - (iii) Swept path analysis - vehicle swept path analyses prepared in accordance with AS 2890 to demonstrate that:
    - a. the largest size vehicle can enter and exit the site from the street in a forward direction.
    - b. the largest size service vehicle and a standard size car can pass through the access ramp simultaneously.
- (c) The turntable and loading areas are to be designed and operated in accordance with the Turntable Operation and Loading Dock Management Plan once approved in accordance with this condition.

## SCHEDULE 1B

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

#### (29) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

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

#### (30) ADAPTABLE HOUSING

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

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

#### (31) 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.

### **(32) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC**

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

#### **IMPORTANT NOTE:**

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

### **(33) EXTERNAL WALLS AND CLADDING FLAMMABILITY**

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

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

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

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

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

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

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

**(36) PHYSICAL MODELS**

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

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.

- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

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

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

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

**(38) CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN**

- (a) A Construction Traffic and Pedestrian Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

Construction Traffic and Pedestrian Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website

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

**(39) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 662-674 Botany Road and 654-656 Botany Road are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must

be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of a Construction Certificate.

#### UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

#### **(40) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM**

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifier. The ESCP must:

- (a) Conform to the specifications and standards contained in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004); the *Guidelines for Erosion and Sediment Control on Building Sites* (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points
  - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
  - (iii) access protection measures

- (iv) nature and extent of earthworks, including the amount of any cut and fill
- (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
- (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
- (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
- (viii) frequency and nature of any maintenance program
- (ix) other site-specific soil or water conservation structures.

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

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

**(42) 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.

**(43) 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 Council's Area Planning Manager for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

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

**(44) 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.

**(45) 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 and Acid Sulfate Soils shall be notified to Council's Area Planning Manager and the Principal Certifier.

**(46) SITE AUDIT STATEMENT**

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

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

The Site Audit Statement must confirm 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 Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) No Occupation Certificate is to be issued by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

#### **(47) ACID SULFATE SOILS MANAGEMENT PLAN**

- (a) An Acid Sulfate Soils Management Plan (ASSMP) must be prepared in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for development to be carried out on land classified as being in an Acid Sulfate Soils zone class 3.
- (b) The ASSMP is to be submitted to and approved by Council's Area Planning Manager prior to the commencement of any below ground works.
- (c) The ASSMP must be prepared by a person or company who is qualified and has the relevant geotechnical expertise in relation to the assessment and remediation of Acid Sulfate Soil risks.
- (d) All recommendations contained in the ASSMP approved in accordance with this condition are to be implemented in the development.

#### **(48) 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

#### **(49) 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.

#### **(50) 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 Principal Certifier prior to the issue of a Construction Certificate.

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

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

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

#### **(52) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

Prior to a Construction Certificate being issued, an archival photographic recording of the warehouse building fronting Birmingham Street is to be prepared to Council's satisfaction. The recording is to be in digital form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.
- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (c) 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 licence 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.
- (d) The report is to be submitted on a USB, CD or DVD, in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and data photograph was taken.
- (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

**(53) SITE WIDE LANDSCAPE MANAGEMENT**

A site wide management plan for the landscape including, but not limited to, public and private areas (facades and balconies), communal open spaces at ground and rooftops areas must be submitted to and approved by Council's Area Planning Manager prior to issue of any Occupation Certificate. The plan is to demonstrate who is responsible for and how the landscape features will be installed, cost and responsibility of ongoing maintenance of the landscaping.

**(54) LANDSCAPE AT GROUND LEVEL (LEVEL 1)**

- (a) The landscape package, revision C, prepared by Sydney Design Collective dated September 2019 is not approved. A detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect or AILDLM qualified landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
  - (i) Location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in pots.
  - (ii) Location and details of existing and proposed structures on the site including, but not limited to, fences and details of how residential outdoor space is to be separated from commercial outdoor space, paved areas, timber decks, walls, services, furniture, water features, privacy screens, shade structures, lighting and other features
  - (iv) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
  - (vii) Details of drainage, waterproofing and watering systems.
- (b) All landscaping in the approved plan is to be complete prior to an Occupation Certificate being issued.

**(55) INACCESSIBLE GREEN ROOFS (BOTANY TOWER ROOFTOP AND LEVEL 2 AWNING)**

- (a) The landscape package, revision C, prepared by Sydney Design Collective dated September 2019 is not approved. A detailed green roof design including plans and details drawn to scale, and technical specification, by a registered landscape architect or AILDLM qualified landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:

- (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (ii) Engineers report confirming structural capacity of building for proposed green roof loads.
  - (iii) Details of soil types and depth including any mounding.
  - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property.
  - (vii) Maintenance methodology for safe working at height including access requirements, location of any anchor points, gates, and transport of materials such as green waste removal.
  - (viii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (b) Prior to the issue of a Construction Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
  - (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
  - (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

**(56) ACCESSIBLE GREEN ROOFS (BIRMINGHAM STREET BUILDING)**

- (a) The landscape package, revision C, prepared by Sydney Design Collective dated September 2019 is not approved. A detailed green roof design including plans and details drawn to scale, and technical specification, by a registered landscape architect or AILDLM qualified landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
  - (i) A statement that includes details of proposed use of the green roof, roof terrace, accessibility, and any noise and privacy treatments.
  - (ii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.

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

#### **(57) GREEN WALLS (FACADE PLANTERS)**

The design of the green wall and façade planters must demonstrate the response to site conditions, including in particular light availability, sun and wind impacts. The following information must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate:

- (a) A detailed green wall design including plans and details drawn to scale, and technical specification, by a registered landscape architect or AILDLM qualified landscape designer. These documents must include:
  - (i) Detailed drawings demonstrating how the green wall and facade planter is constructed, including proposed materials, planter dimensions, fixings and structures;
  - (ii) Details of the proposed growing medium, including soil depth and type;
  - (iii) Location, numbers, type and size of plant species selected on the basis of the site conditions, and species that contribute to habitat and biodiversity;
  - (iv) Rainwater harvesting, drainage, irrigation and waterproofing details;

- (v) Details of any additional lighting (where applicable).
- (vi) Details of ongoing maintenance, including methodology for safe working at height, access requirements, location of any anchor points, gates, and transport of materials such as green waste removal, and a detailed planting maintenance schedule.
- (vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green wall is maintained throughout its life.

**(58) DEDICATION FOR FOOTPATH WIDENING**

Prior to the issue of any Interim or Final Occupation Certificate for the development, the owner of the site must dedicate, for road purposes, free of cost to Council, a 1.4 metre widening along the site frontage to Botany Road.

**(59) SEWER MAIN**

Prior to the issue of a Construction Certificate, the position and level of the Sydney Water sewer main bisecting the site shall be determined by a registered surveyor, and provided to the project architect, who must provide certification to the Principal Certifier that no design changes will be required to the basement, working on the assumption that Sydney Water will require the sewer main to be concrete encased.

If any changes are required to the level or configuration of the basement, the survey plan and modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

**(60) SUBDIVISION PLAN**

- (a) **Prior to the issue of any approval for demolition or Construction Certificate**, the initial boundary definition survey work necessary for the preparation of a subdivision plan to dedicate the road widening and consolidate the site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter to the Principal Certifier, certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate. (b) A plan or CAD file showing the redefined boundaries shall be provided to the project architect, who shall certify in writing that the proposed building as designed will fit within the redefined boundaries, without causing any encroachment. This written confirmation shall be provided to the Principal Certifier **prior to the issue of a Construction Certificate**. It is recommended that the side walls of the building are set back at least 0.02 metres from each side boundary to allow for construction tolerances and avoid encroachment. (c) **Prior to the issue of any Interim or Final Occupation Certificate**, the subdivision plan shall be completed and lodged with the office of NSW Land Registry Services, showing the new building, and creating any other easements as necessary. Evidence of lodgment of the subdivision plan shall be supplied to the Principal Certifier prior to the issue of the Occupation Certificate.

## **(61) SURVEY**

- (a) Prior to foundation stage - All footings and walls adjacent to a boundary or setback line must be set out by a surveyor registered under the Surveying & Spatial Information Act, 2002, and provided to the Principal Certifier. All piers and below-ground footings must be contained wholly within the boundaries of the site.
- (b) Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying & Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries. This survey shall be provided to the Principal Certifier prior to the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed within the boundaries of the site.
- (c) At completion – **Prior to the issue of any Interim or Final Occupation Certificate** - A Final Identification Survey prepared and signed 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 must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be lodged with NSW Land Registry Services and evidence of lodgment provided to the Principal Certifier prior to the issue of any Interim or Final Occupation Certificate.

## **(62) SUBDIVISION CERTIFICATE**

Separate application is to be made to Council to obtain the approval of the final Plan of Subdivision and issue of the Subdivision Certificate under Part 4A of the *Environmental Planning and Assessment Act 1979* for the subdivision referred to in the SUBDIVISION PLAN condition above.

## **(63) COMPLETION OF PUBLIC DOMAIN WORKS**

Prior to the issue of the Subdivision Certificate for the subdivision, the public domain works associated with the subdivision works are to be completed in accordance with the requirements of and to the satisfaction of Council.

## **(64) STRATA SUBDIVISION**

Any proposal to Strata subdivide the building will require a separate application to obtain approval of the final Strata Plan and issue of the Strata Certificate by Council or an accredited Strata Certifier.

## **(65) 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*).

## **(66) 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.

**(67) LAND SUBDIVISION – SUBDIVISION CERTIFICATE**

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

**(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 completed 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) 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 a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**(70) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

- (a) Prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work a detailed drainage engineering design, calculations and design for the stormwater overland flow path for the development must be:
  - (i) prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and
  - (ii) prepared in accordance with the City of Sydney's *Stormwater Drainage Manual*, technical specifications, standards and policies, as amended from time to time; and
  - (iii) submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.
- (b) For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.
  - (i) The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.
  - (ii) All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to

an Occupation Certificate being issued, including an Interim Occupation Certificate.

### **On-site Detention**

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

### **Stormwater Quality Assessment**

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

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design;
- (ii) Use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and
- (iii) Demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

- (iv) Include certification from a suitably qualified practicing professional that the requirements of parts d) (I), (ii) and (iii) of this condition have been met.
- (e) Prior to the issue of an Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Principal Certifying Authority and a copy provided to the City of Sydney.

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

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

- (iv) evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifying Authority;
- (v) The Principal Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

**(71) 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 an Occupation Certificate is issued for the development, whichever is earlier.

**(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) LEVELS FOR FLOOD PROTECTION**

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

The following performance criteria shall apply to the design of buildings and structures on the site:

- (a) All proposed ground floor levels within the site shall be set at or above the 1% AEP flood levels being – 10.4m AHD on Birmingham Street frontage and 11.5m AHD on Botany Road frontage.

- (b) The proposed access ramp to the basement carpark from Birmingham Street is to have crest level set at or above 500mm + the 1% AEP flood level being – 10.9m AHD
- (c) The residential lobby lift and stairwell access to the basement from Botany Road is to be at or above 500mm + the 1% AEP flood level being 12.0m AHD

Certification, stating that these levels have been achieved, by a Civil Engineer shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

A Public Domain Damage Deposit calculated on the basis of 8 lineal metres of concrete 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 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.

**(78) LAND DEDICATION - NO ENVIRONMENTAL MANAGEMENT PLAN**

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

**(79) TREE PRUNING**

- (a) A 'Pruning Specification Report' prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of the Construction Certificate. The report must include:
  - (i) Number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed.
  - (ii) Photos with individual branches which are recommended for pruning/removal to be clearly marked. (Please note reports which include photos with a single vertical line as the area recommended for pruning will not be accepted).
  - (iii) A maximum of 5% canopy removal and maximum of 100mm diameter branches will be permitted by Council.
  - (iv) Pruning work must be specified in accordance with *Australian Standard 4373-2007, Pruning of Amenity Trees*.
  - (v) Tree removal must not be recommended in this report.
- (b) All approved tree pruning works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover's Code of Practice – Amenity Tree Industry.
- (c) Any pruning works carried out under this consent must not result in the death of the tree, the creation of a hazard or in excessive or inappropriate amounts of pruning, which result in the overall shape of the tree becoming unbalanced and/or unstable.
- (d) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any additional tree pruning works or pruning of any tree roots greater than 30mm in diameter.

## **(80) STREET TREE PROTECTION**

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

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works. The protection must be installed by a qualified Arborist (AQF level 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunks at all times;
  - (ii) Tree trunk/s and/or major branches, must be protected by wrapped hessian or similar material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (d) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (e) Any excavation within in any area known to, or suspected of having street tree roots greater than 40mm diameter must be undertaken by hand.
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within 3 metres of any street tree. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services.
- (g) Any damage sustained to street tree/s as a result of construction activities (including demolition) must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333. Any damage to street trees as a result of construction activities may result in a prosecution under the Local

Government Act 1993 and/or the Environmental Planning and Assessment Act 1979.

**(81) PRIVATE TREE SPATIAL CONFLICT**

A separate permit to prune any trees or roots of trees located within adjacent private properties, including trees within the property at 662-674 Botany Road, must be obtained from Council prior to any works being undertaken.

**(82) 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.

**(83) SYDNEY WATER CERTIFICATE (TAP-IN)**

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

**(84) 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 Principal Certifier prior to a Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

**(85) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water,

and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

**(86) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan is to be approved by the Principal Certifier prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

**(87) WASTE AND RECYCLING MANAGEMENT - MINOR**

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to minimise and manage waste and recycling generated by the proposal.

**(88) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan is to be submitted to and approved by Council's Area Coordinator Planning Assessments prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Waste and Recycling Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Guidelines for Waste Management in New Developments 2018*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

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



## SCHEDULE 1C

### DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

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

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

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

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

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

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **(91) 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 9am to 12.30am and 2pm to 4.30pm Mondays to Fridays and 9am to 1pm Saturdays.

- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

**(92) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(93) ENCROACHMENTS – PUBLIC WAY**

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

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

Prior to an 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.

**(95) SYDNEY WATER CERTIFICATE**

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

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

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

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

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

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for

a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

**(97) 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.

**(98) USE OF MOBILE CRANES**

The following requirements apply:

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

## SCHEDULE 1D

### RMS CONDITIONS

1. Roads and Maritime raises no objection on property grounds provided all buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Botany Road boundary.
2. The existing timed parking "1P, 10am - 5:30pm, MON-FRI" along the entire frontage of 658 - 660 Botany Road is to be made "No Stopping" at the completion of the development. The developer is to contact Mohamed Tita, Senior Network and Safety officer to discuss the changing of the parking restrictions
3. A Construction Traffic Management detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
4. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
5. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during construction activities.
6. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.
7. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

Details should be forwarded to: [suppiah.thillai@rms.nsw.gov.au](mailto:suppiah.thillai@rms.nsw.gov.au)

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

8. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site.

Details should be submitted to Suppiah Thillai: [suppiah.thillai@rms.nsw.gov.au](mailto:suppiah.thillai@rms.nsw.gov.au)

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

9. All works/sign posting associated with the subject development (including public utility adjustment/relocation works) shall be at no cost to Roads and Maritime.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

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

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

Clause 98A Erection of signs

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

Clause 98C Conditions relating to entertainment venues

Clause 98D Conditions relating to maximum capacity signage

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

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

## SCHEDULE 3

### TERMS OF APPROVAL

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

1. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
2. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
3. If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
4. WaterNSW prefers "tanking" (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the Initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
5. If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.