

Attachment A

Recommended Conditions of Consent
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CONDITIONS OF CONSENT

SCHEDULE 1A

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

Note: Some conditions in Schedule A 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/2018/1128 dated 20 September 2018 and the following drawings prepared by SJB Architects, Studio Prineas and Aspect Studios:

Drawing Number	Drawing Name	Date
DA-0201 Rev. 33	Floor Plan – Basement 03	19 September 2019
DA-0202 Rev. 33	Floor Plan – Basement 02	19 September 2019
DA-0203 Rev. 33	Floor Plan – Basement 01	19 September 2019
DA-0210 Rev. 33	Floor Plan – Lower Ground	19 September 2019
DA-0211 Rev. 33	Floor Plan – Level 01	19 September 2019
DA-0212 Rev. 33	Floor Plan – Level 02	19 September 2019
DA-0213 Rev. 33	Floor Plan – Level 03	19 September 2019
DA-0214 Rev. 33	Floor Plan – Level 04	19 September 2019
DA-0215 Rev. 33	Floor Plan – Level 05	19 September 2019
DA-0216 Rev. 33	Floor Plan – Level 06	19 September 2019
DA-0217 Rev. 33	Floor Plan – Level 07	19 September 2019
DA-0218 Rev. 33	Floor Plan – Level 08	19 September 2019
DA-0219 Rev. 33	Floor Plan - Roof	19 September 2019
DA-0501 Rev. 33	Elevations – North-South	19 September 2019
DA-0503 Rev. 33	Elevations - Laneway	19 September 2019
DA-0504 Rev. 33	Elevations – Through-Site	19 September 2019
DA-0505 Rev. 33	Elevations – Through-Site	19 September 2019

Drawing Number	Drawing Name	Date
DA-0601 Rev. 33	Building Sections	19 September 2019
DA-0502 Rev. 33	Elevations – East-West	19 September 2019
DA-9008/23	Level 01 – Demolished	16 May 2019
DA-9009/24	Level 02 - Demolished	18 September 2019
DA-9010/23	Roof – Demolished	16 May 2019
DA-9011/23	Cleveland Street Elevation – Demolished	16 May 2019
DA-9012/24	Baptist Street Elevation - Demolished	18 September 2019
DA-9013/24	Level 01 - Proposed	18 September 2019
DA-9014/24	Level 02 – Proposed	18 September 2019
DA-9015/24	Roof - Proposed	18 September 2019
DA-9016/24	Cleveland Street Elevation – Proposed	18 September 2019
DA-9017/24	Baptist Street Elevation – Proposed	18 September 2019
DA-9018/23	Through Site Link Elevation – Proposed	18 September 2019
DA-9019/23	Laneway Elevation – Proposed	16 May 2019
DA-9020/23	Section A – Proposed	16 May 2019
DA-9021/24	Section B – Proposed	18 September 2019
DA-9022/23	Section C – Proposed	16 May 2019
DA-9023/23	Section D – Proposed	16 May 2019
DA-9024/24	Section E – Proposed	18 September 2019
S18012-DA-05-101 Rev. K	Deep Soil Compliance diagram	18 September 2019

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS - WINDOWS

The design of the development must be modified as follows:

- (a) The glass line of the bedroom windows at levels 1 to 3 of apartments C1.03, C1.04, C2.03, C2.04, C3.03 and C3.04 at the southern boundary is to be set in from the pop-out framing. The location of the glass line is to be depicted in plan and section;
- (b) The bedrooms of apartments B2.05, B3.05, B4.05, B5.05, B6.05; C2.07, C3.07, C4.05, C5.05; D1.01, D2.01, D3.01, D3.04; and E1.01, E1.02, E2.01, E2.02, E3.01 and E3.02 within the wings of Buildings B, C, D and E are to be provided with a window located in the opposite direction to the inlet to provide natural cross ventilation; and
- (c) Perpendicular screening is to be installed to the bedroom windows of apartments A2.02, A3.02, A4.02, A5.02, A6.02, B2.02, B3.02, B4.02, B5.02, C2.07, C3.07, C4.05, C5.05, E2.04, E3.05, F2.04 and F3.04.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

(3) DESIGN MODIFICATIONS - HERITAGE

Further detail of the design of 397-399 Cleveland Street (the former Bank of NSW Building) is to be provided as follows:

- (a) The main entry (Baptist Street) replacement door design;
- (b) Interpretative ceiling design in the banking chamber; and
- (c) The floor pattern reflecting the footprint of the former banking chamber.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

(4) DRIVEWAY REDESIGN

The car parking driveway on Baptist Street is to be amended as follows to address the pedestrian safety / amenity and operations of the driveway entry:

- (a) The driveway width at Baptist Street is to be decreased to reduce pedestrian crossing distance and entry vehicle speed. Alternatively, a 2 driveway access arrangement may be considered which includes a proper pedestrian waiting area between the basement car park driveway and the loading dock driveway.
- (b) The swept path of the largest vehicle entering / exiting the loading dock is not to cross the path of travel of exiting vehicles from the basement car park.
- (c) Detail of any turn restrictions being proposed at the driveway location are to be documented and mechanics to enforce specified.

- (d) A Pedestrian Safety Audit is to be carried out, with recommendations providing an appropriate level of design and operations for pedestrians to be incorporated into the design. The amendments / recommendations are to reflect pedestrian priority at driveway crossings. Note: audible sirens and flashing lights are not suitable.
- (e) To reinforce the priority of pedestrian movement on the footpath, the footpath paving surface is to be continued over the vehicle crossing (i.e. continuous footpath pavement).

Amended plans must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued.

(5) CAR PARK AND LOADING DOCK DESIGN

The car parking and loading dock layout is to be amended as follows:

- (a) The loading dock is to be redesigned to accommodate any changes resulting from a revised driveway crossover design for the site, and ensure accommodation of the loading needs of all uses of the site including residential, commercial, supermarket retail and other retail. The loading dock is to provide for all deliveries to the site including (but not limited to) waste servicing, removalist vehicles, deliveries (short stay) and tradespersons (long stay).
- (b) A capacity analysis is to be provided to demonstrate the final design can accommodate all loading on-site.
- (c) Bicycle parking facilities to be modified to meet the design standards and parking space requirements for the site and including (but not limited to) the provision of Class 2 bicycle parking for residential parking.
- (d) A design is to be provided showing the provision of visitor bicycle parking spaces in accordance with design standards and Council requirements.

A revised car park design must be submitted to and approved by Council's Director City Planning, Development and Transport, prior to any Construction Certificate being issued.

(6) LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan must be submitted to and approved by Council's Director City Planning, Development and Transport, prior to a Construction Certificate being issued.

- (a) The plan must identify how the loading area (loading dock and service bays) will be managed and used by all building tenants of the site (including residential, commercial, supermarket retail, other retail). This will include the ability of the loading dock to accommodate various uses such as waste servicing, removalist vehicles, deliveries (short stay) and tradesperson (long stay) etc.

- (b) The plan must detail, but is not limited to, heavy vehicle access routes to and from the site including an assessment of the capacity of those streets to accommodate the size of truck chosen to service the site. This assessment will include the largest vehicle which will service the site.
- (c) The plan must detail, but is not limited to, the pedestrian path within the loading dock, management operations, wayfinding signage and markings to ensure efficient and safe pedestrian access.
- (d) The plan must detail, but is not limited to, methods of communication to encourage users to utilise smaller vehicles (i.e. B99 or smaller) where possible.
- (e) The plan must detail, but is not limited to, the methodology and schedule for transferring waste and goods from uses on the site to the loading dock. The plan is to be consistent with the approved Waste Management Plan in this regard.
- (f) The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.
- (g) The plan must include, but is not limited to, cleaning management of the dock and scheduling of these operations to ensure the dock is available and appropriate for all scheduled bookings for the dock.
- (h) The plan must include, but is not limited to, reference to any time restrictions on access for the largest vehicle accessing the site. Any time restrictions is to consider the driveway efficiency and safety requirements of the driveway access to the dock.
- (i) The plan shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

(7) DESIGN MODIFICATIONS - TREES

The design must be modified as follows:

- (a) The proposed awning on Baptist Street must be a minimum of 1.5 metres from the face of the kerb to accommodate street trees.
- (b) The new driveway on Baptist Street is constructed using root sensitive techniques such as pier and beam above existing grade to limit impact to tree roots. Detailed drawings and a construction methodology of the new driveway on Baptist Street must be based on the findings from the non-invasive root investigations.

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

(8) DESIGN MODIFICATIONS - LANDSCAPE

The landscape design of the development must be modified as follows:

- (a) Rationalise the stormwater design and location of junction pits and pipes to the OSD tank on Marriot Street. Coordinated and complete civil engineering and landscape plans with construction details are to be submitted, to demonstrate the stormwater design does not impact upon deep soil zones;
- (b) The terrace of D1.02 is to be modified to reduce the paved area to be in line with columns above (allowing for a terrace area of approximately 60sqm. The remaining 15sqm is to become part of the inaccessible landscaped area that adjoins the terrace, and an additional 600mm wide maintenance access path to the common open space on the northern side (next to Unit E1.04) is to be provided. The maintenance access path is to terminate before the window opening of E1.04;
- (c) All trees in raised planters on slab located within private courtyards and balconies, on Levels 01, 02,04, 06 and 07, are to be re-designed to provide a minimum 9m³ soil volume in accordance with the Sydney Landscape Code and ADG Part 4P;
- (d) Structural design is to make allowance for landscaping and wet soil loads, soil depth and volume for all trees on slab, in accordance with the Sydney Landscape Code and ADG Part 4P. A maximum 200mm allowable mounding to achieve minimum soil depths;
- (e) Trough planters located on the Level 2 Commercial terrace are to be a minimum 500mm wide;
- (f) Replace the proposed palms located on the corner of Marriot and Cleveland Streets with appropriate tree species selected for the site conditions with consideration given to shade in summer, habitat creation and a minimum 200L pot size;
- (g) The proposed heritage green roof on dwg 17202-DA-9015 [24] by Studio Prineas is not approved. A detailed roof plan and details, drawn to scale, by a qualified architect must be prepared. The document must include:
 - (i) A new hob and flashing detail to the edge of the new green roof structure where it abuts the west walls of the heritage building to ensure integrity of heritage fabric and water tightness of existing roof and the green roof.
- (h) Confirm the location of all plant including rainwater tanks and storage tanks pertaining to the irrigation and fertilising of the landscaping, planters, pots and green roofs located on slab;
- (i) Awning design is to minimise impacts on existing street tree canopy for trees located in the public domain on Baptist and Cleveland Streets; and

- (j) Submit construction details of balustrade / wall adjoining Level 1 common open spaces to demonstrate adequate privacy to residents' private open space.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of any Construction Certificate.

(9) LANDSCAPING OF THE SITE AT GROUND LEVEL

- (a) The landscape package prepared by ASPECT Studio, dated September 2019, is not approved. A detailed landscape design including plans and details drawn to scale, and technical specification, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director Planning, Development and Transport prior to the issue of any 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) Details of deep soil in accordance the approved stamped plan (dated 18 September 2019). Where relatively natural soil areas do not exist in the deep soil area or contaminated lands, provide details of clean fill including subsoil and topsoil layers.
 - (iii) Location and details of existing and proposed structures on the site including, but not limited to, paved areas, walls, services, edges, timber decking, furniture, 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) Prior to the issue of an Occupation Certificate, the deep soil area must be constructed as approved on drawing S18012-DA-05-101[K]. Where relatively natural soil areas do not exist in the deep soil area, photographic evidence of installation of clean fill, in accordance with approved details, must be submitted to and approved by Council's Area Planning Manager

- (c) All landscaping in the approved plan is to be complete prior to an Occupation Certificate being issued.

(10) ACCESSIBLE GREEN ROOFS – COMMON AND PRIVATE OPEN SPACES

- (a) The landscape package prepared by ASPECT Studio, dated September 2019, is not approved. A detailed green roof design including plans and details drawn to scale, and technical specification, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director Planning, Development and Transport prior to the issue of any Construction Certificate. These documents must include:
 - (i) A statement that includes details of proposed use of the accessible green roofs, common and private open spaces 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.

(11) INACCESSIBLE GREEN ROOFS

- (a) A detailed extensive green roof design including plans and details drawn to scale, and technical specification, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director Planning, Development and Transport prior to the issue of any Construction Certificate. These documents must include:
 - (i) Location and details of existing and proposed services, walls, fixings, PV cells, and other structural elements that may interrupt tanking waterproofing membrane, 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 integrated green roof with solar panels including planting underneath solar panels, ballast at walkway edge and at the base of PC cell frames
 - (v) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (vi) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant predominately native species that contribute to habitat creation and biodiversity.
 - (vii) Green roof maintenance plan. This plan is to be complied with during occupation of the property.
 - (viii) 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.
 - (ix) 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 any 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.

(12) LANDSCAPING OF THE SITE - TREES

- (a) Detailed landscape plans, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development and Transport, prior to the issue of a Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths and widths for planting on slab must be 1000mm x 2000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standard;
 - (iv) The design for the following level/ location must provide trees that will reach the specified minimum height as follows:
 - a. Marriott Street & Cleveland Street Corner
 - i. Two (2) trees must be planted in this location. The tree species, when mature, must attain a minimum height of no less than 15 metres and minimum canopy spread of 8 metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
 - ii. At the time of planting, the container size is to be a minimum of 400 litres and a minimum height of 2.5 metres
 - b. Lower ground and ground floor:
 - i. 60% of the species must have a mature height of 6-8 metres and 40% mature heights of 10-15 metres
 - c. Level 1:
 - i. 75% of the species must have a mature height of 6-8 metres and 25% mature heights of 10-15 meters
 - d. Level 2, 6 and 7:
 - i. 100% of the species must have a mature height of 4-6 metres

- e. Level 4:
 - i. The western courtyard of level 4 must have a mature height of 4-6 metres. The three (3) proposed on the south eastern courtyards must have a mature height of 6 metres at maturity.
- f. Level 5:
 - i. The five (5) proposed trees within the Inaccessible Green Roof must be a minimum of 6 metres at maturity.
- (v) All trees must be grown to Australian Standard 2303:2015 'Tree stock for landscape use'
- (vi) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2 metres for lower ground floor, ground floor and level 1. All other levels unless stated otherwise must be a minimum size of 75 litres and 1.5 metres height.
- (vii) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
- (viii) Details of planting procedure and maintenance;
- (ix) Details of drainage, waterproofing and watering systems.
- (b) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(13) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST 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	\$2,089,750.90
Community Facilities	\$1,194,100.49
Traffic and Transport	\$112,913
Stormwater Drainage	\$0
Total	\$3,396,764.40

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

Cpayment = Cconsent x (CPIpayment ÷ CPIconsent)

Where:

Cpayment = Is the contribution at time of payment;

Cconsent = Is the contribution at the time of consent, as shown above;

CPIpayment = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 115.9 for the June 2019 CPI 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 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.

(14) DESIGN QUALITY AND EXCELLENCE

- (a) As the proposal has been awarded bonus height for achieving design excellence and in order to ensure the design quality and excellence of the development is retained to completion:
 - (i) The design architect(s) comprising SJB Architects and Studio Prineas are to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
 - (ii) The use of Cross Laminated Timber within Building G (as indicated on the approved plans) is to be retained;
 - (iii) The design architects are to have full access to the site and is/are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
 - (iv) Evidence of the design architect's commission must be provided to, and approved by Council prior to issue of any Construction Certificate.

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

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

(15) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the executed planning agreement entered into in accordance with VPA/2016/23 are to be complied with.

(16) PUBLIC PARK WORKS - VOLUNTARY PLANNING AGREEMENT

Embellishment works associated with the public park required as part of the planning agreement dated 20 December 2017 (VPA/2016/23) have not been approved, and are subject to a separate development application to be submitted to Council in accordance with the staging prescribed in the VPA.

Any separate development application is required to provide details relating to the terms of the voluntary planning agreement (but not limited to):

- (a) Removal of the top 500mm layer of soil;
- (b) Importation and grading of clean fill, top soil and garden soil to meet required flood levels;
- (c) Construction of a 2.5m wide concrete path to the eastern perimeter;
- (d) Installation of a 2m wide landscape strip to the southern perimeter with minimum 300mm garden soil and 75mm mulch;
- (e) Supply and installation of turf;
- (f) Supply and installation of planting to the landscape strip;
- (g) Supply and installation of 4 smart poles;
- (h) Surface and subsoil drainage as required; and
- (i) Installation of a substation to service surrounding properties only.

(17) BUILDING HEIGHT

- (a) The height of the new buildings must not exceed the following RLs:
 - (i) Building A RL 60.4 (AHD) to the top of the building;
 - (ii) Building B RL 60.4 (AHD) to the top of the building;
 - (iii) Building C RL 57.4 (AHD) to the top of the building;
 - (iv) Building D RL 51.1 (AHD) to the top of the building;
 - (v) Building E RL 51.1 (AHD) to the top of the building;

- (vi) Building F RL 52.35 (AHD) to the top of the building;
 - (vii) Building G RL 58.25 (AHD) to the top of the building; and
 - (viii) Building H RL 44.497 (AHD) to the top of the roof and RL 45.19 (AHD) to the top of the parapet.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of buildings accords with part (a) above, to the satisfaction of the Principal Certifier.

(18) APPROVED DESIGN ROOF - TOP PLANT

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

(19) 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 0.61:1; for the residential use must not exceed 1.19:1; for the commercial use must not exceed 0.38:1 and for the mixed use must not exceed 2.18:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the retail component is 7,475sqm, for the residential component is 14,590sqm, for the commercial component is 4,634sqm and the total Gross Floor Area is 26,698sqm.
- (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 Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

(20) RESTRICTION OF END OF JOURNEY / COMMUNITY INFRASTRUCTURE – OUTSIDE CENTRAL SYDNEY

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant to the effect that 193sqm of the building has been approved as end of journey is to be registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919. The covenant is to be created appurtenant to Council and at no cost to Council.

(21) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the development (Level 02 to Level 07 of Building A, Level 01 to Level 07 of Building B, Level 01 to Level 06 of Building C, and Basement 01 to Level 04 of Buildings D, E and F) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from a "residential flat building" as defined in *Sydney Local Environmental Plan 2012*. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(22) 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.

(23) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications 'AR-DA-4501 Rev. 33, prepared by SJB Architects (not dated, TRIM ref: 2019/486483).

(24) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fit-out of each individual tenancy, including the fit-out of the supermarket / liquor store.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit-out of each individual tenancy prior to that fit-out or use commencing.

(25) USE OF COMMON AREAS AND FACILITIES

The communal open space at levels 1, 4 and 5 of the development must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(26) DELIVERY VEHICLES

Deliveries associated with the site that involve the movement of vehicles to and from the Baptist Street loading dock, must only occur between the hours of 7.00am and 10.00pm, Mondays to Sundays.

(27) HOURS OF OPERATION - SENSITIVE USES – SUPERMARKET / LIQUOR STORE

The hours of internal operation of the combined supermarket and liquor store tenancy are regulated as follows:

- (a) The hours of operation must be restricted to between 7.00am and 11.00pm Mondays to Sundays.
- (b) Notwithstanding (a) above, the use may operate between 6.00am and 7.00am, and between 11.00pm and 12 midnight, Mondays to Sundays inclusive for a trial period of 12 months from the date of issue of the Occupation Certificate (or commencement of the use, whichever is earlier). Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to liquor@cityofsydney.nsw.gov.au
- (c) A further application may be lodged to continue the operating hours outlined in (b) above not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

(28) SUPERMARKET PLAN OF MANAGEMENT TO BE SUBMITTED AND APPROVED - CATEGORY B PREMISES ONLY

- (a) The Plan of Management (POM) accompanying this Development Application for the supermarket has not been approved by this consent.
- (b) A Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the supermarket can operate without unreasonable disturbance to the surrounding locality. The plan must address the whole of the supermarket operations and reflect the matters contained in the Schedule 3 of the Sydney Development Control Plan 2012, including a specific waste management plan for the supermarket.
- (c) The plan must include but not be restricted to; compliance with all other operational conditions of this consent; hours of operation; management of noise sources (including any acoustic report recommendations); security management; and handling complaints (including a complaints register), harm minimisation and the responsible service of alcohol.
- (d) The plan must be submitted to and approved by Council's Area Coordinator Planning Assessments prior to a Construction Certificate relating to the supermarket being issued.
- (e) Once approved by Council's Area Coordinator, a full and current copy of all current development consents for the operation of the supermarket, and the Plan of Management, and trolley management plan must be kept on site and made available to Police or Council Officers, or Special Investigator upon request.

(29) SHOPPING TROLLEY MANAGEMENT PLAN - MINOR

A management plan must be submitted to and approved by Council prior to the use of trolleys associated with the supermarket at basement 01 level. The management plan is to detail the proposed method of retaining trolleys on site, trolley tracking and trolley recovery. Trolleys must remain and be contained within the boundary of the shopping centre and car park. The management plan must be implemented at all times during the use of shopping trolleys and is to be reviewed on an as needed basis or annually whichever is sooner. Any changes to the plan are to be approved by Council in writing prior to the amendment of the plan.

(30) NO SPEAKERS OR MUSIC OUTSIDE

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

(31) NO SPRUICKING NOISE

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

(32) NOISE FROM GLASS REMOVAL

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

(33) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the publicly accessible areas of the site with particular coverage to:
 - (i) principal entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets);
 - (iii) staircases in multilevel premises; and
 - (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.

- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
- (f) All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

(34) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

(35) AIR CONDITIONERS GENERALLY

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

(36) 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.

(37) RODENT TREATMENT PROGRAMME – PRE DEMOLITION AND/OR EXCAVATION

- (a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.
- (b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Coordinator Planning Assessments/Area Planning Manager.

(38) SIGNAGE STRATEGY

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

(39) SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

(40) EXTERNAL LIGHTING

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

(41) PUBLIC ART

- (a) A revised public art strategy is to be submitted to, and approved by the Council's Director City Planning, Development and Transport prior to the issue of any Construction Certificate. The strategy is to be amended as follows:
 - (i) Amend the theme "Modern Tradelines re-writing history with common grounds for exchange and play" to acknowledge and include reference to Aboriginal trade routes prior to modern tradelines;
 - (ii) Clarification of the procurement process on page 30, including:
 - a. The invitation to Artists to develop concepts for various sites is to allow for artists to recommend their own sites; and
 - b. Selected artists concepts are to be presented to the City of Sydney prior to development and submission of detailed public art plans to the City.

- (b) Final details of the proposed public art work must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of any Construction Certificate for above ground works.
- (c) Public art work must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.
- (d) The public artwork must be in accordance with the Sydney DCP 2012, the Public Art Policy, and the Interim guidelines: public art in private developments.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

(42) 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 any 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.
- (d) 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.
- (e) Details are to be provided showing that the chutes used are vertical, and without bends or off-sets.
- (f) Details are to be provided showing that waste can be transferred to the loading dock (Baptist Street elevation) for collection by a Council waste truck.

UPON COMPLETION OF THE DEVELOPMENT

- (g) 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.

(43) 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*.

(44) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council's Director City Planning, Development and Transport prior to any works commencing, or any Construction Certificate being issued (whichever occurs first).

(45) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of any work, a Construction Liaison Committee or an alternative approved in writing by Council's Director City Planning, Development and Transport, is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and cooperatively.

- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

(46) WASTE/RECYCLING COLLECTION

The collection of waste and recycling must only occur between 7:00am and 8:00pm Mondays to Sundays, and 9:00am to 5:00pm Saturdays and Sundays and public holidays, to avoid noise disruption to the surrounding area. Waste collection must be undertaken from within the loading dock.

(47) TREES APPROVED FOR REMOVAL

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

Table 1 – Tree Removal:

Tree No:	Botanical Name / Common Name	Location
2	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree
4	<i>Phoenix canariensis</i> (Canary Island Date Palm)	South/east corner of site
5	<i>Casuarina cunninghamiana</i> (River She Oak)	Baptist Street boundary
6	<i>Casuarina cunninghamiana</i> (River She Oak)	Baptist Street boundary
7	<i>Casuarina cunninghamiana</i> (River She Oak)	Baptist Street boundary
8	<i>Casuarina cunninghamiana</i> (River She Oak)	Baptist Street boundary
9	<i>Casuarina cunninghamiana</i> (River She Oak)	Baptist Street boundary
13	<i>Casuarina cunninghamiana</i> (River She Oak)	Baptist Street boundary
15	<i>Casuarina cunninghamiana</i> (River She Oak)	Baptist Street boundary
16	<i>Casuarina cunninghamiana</i> (River She Oak)	Baptist Street boundary
17	<i>Eucalyptus nicholii</i> (Narrow Leafed Peppermint)	Baptist Street boundary
18	<i>Casuarina cunninghamiana</i> (River She Oak)	Baptist Street boundary
19	<i>Casuarina cunninghamiana</i> (River She Oak)	Baptist Street boundary
21	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Cleveland Street boundary
22	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Cleveland Street boundary
23	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Cleveland Street boundary
24	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Cleveland Street boundary
25	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Cleveland Street boundary
26	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Cleveland Street boundary
27	<i>Harpephyllum caffrum</i> (Kaffir Plum)	Cleveland Street boundary
28	<i>Eucalyptus nicholii</i> (Narrow Leafed Peppermint)	Marriott Street boundary
29	<i>Lophostemon confertus</i> (Brush Box)	Marriott Street boundary
30	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Marriott Street boundary
31	<i>Eucalyptus microcorys</i> (Tallowood)	Marriott Street boundary
32	<i>Eucalyptus microcorys</i> (Tallowood)	Marriott Street boundary
36	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Coles Loading Dock
37	<i>Callistemon sp.</i> (Bottlebrush)	Marriott Street car park
38	<i>Casuarina cunninghamiana</i> (River She Oak)	Marriott Street car park
39	<i>Callistemon sp.</i> (Bottlebrush)	Marriott Street car park
40	<i>Casuarina cunninghamiana</i> (River She Oak)	Marriott Street car park
41	<i>Eucalyptus botryoides</i> (Bangalay)	Marriott Street car park
42	<i>Callistemon sp.</i> (Bottlebrush)	Marriott Street car park
43	<i>Callistemon sp.</i> (Bottlebrush)	Marriott Street car park
44	<i>Callistemon sp.</i> (Bottlebrush)	Marriott Street car park
45	<i>Casuarina cunninghamiana</i> (River She Oak)	Marriott Street car park

Tree No:	Botanical Name / Common Name	Location
46	<i>Casuarina cunninghamiana</i> (River She Oak)	Marriott Street car park
47	<i>Eucalyptus microcorys</i> (Tallowood)	Marriott Street car park
48	<i>Casuarina cunninghamiana</i> (River She Oak)	Marriott Street car park
58	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Marriott Street car park

NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Redgum dated 22 September 2019 'Revised' for tree numbering and locations

- (b) Tree removal must not occur until the Construction Certificate has been issued.
- (c) All tree removal works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover's Code of Practice – Amenity Tree Industry.

(48) TREES THAT MUST BE RETAINED

- (a) The existing trees detailed in Table 2 below must be retained and protected in accordance with the conditions of consent throughout the construction and development.

Table 2 – Tree Retention:

Tree No	Botanical/Common Name	Location
1	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree
3	<i>Corymbia citriodora</i> (Lemon Scented Gum)	South/east corner of site
10	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree
11	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree
12	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree
14	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree
15a	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree (young tree)
20	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Cleveland Street – Street tree
49	<i>Eucalyptus microcorys</i> (Tallowood)	Cooper Street – Street tree
50	<i>Lophostemon confertus</i> (Brush Box)	Cooper Street – Street tree
51	<i>Eucalyptus sideroxylon</i> (Flowering Ironbark)	Cooper Street – Street tree
52	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Marriott Street Reserve
52a	<i>Caesalpinia ferrea</i> (Leopard Tree)	Marriott Street Reserve
52b	<i>Caesalpinia ferrea</i> (Leopard Tree)	Marriott Street Reserve
53	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Marriott Street Reserve
54	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Marriott Street Reserve
55	<i>Eucalyptus sideroxylon</i> (Flowering Ironbark)	Marriott Street Reserve

Tree No	Botanical/Common Name	Location
56	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Marriott Street car park
61	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree (young tree)

NOTE: Reference should be made to the Arboricultural Impact Assessment Report (AIA) prepared by Redgum Horticultural dated 22 September 2019 'Revised' for tree numbering and locations. Trees 15a, 52a & 52b were not included in the AIA report.

(49) TREE PROTECTION PLANS

All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Construction Certificate shall clearly show on all drawings the retention of trees as required by these conditions of consent, the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).

(50) TREE PROTECTION ZONE

- (a) Before the commencement of works, Tree Protection Zones (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and as follows:

TPZ Schedule

Tree No	Species Name	Location	Radius (m) From Trunk
3	<i>Corymbia citriodora</i> (Lemon Scented Gum)	South/east corner of site (onsite)	8.4
52	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Marriott Street Reserve	6.0
52a	<i>Caesalpinia ferrea</i> (Leopard Tree)	Marriott Street Reserve	2.0
52b	<i>Caesalpinia ferrea</i> (Leopard Tree)	Marriott Street Reserve	2.0
53	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Marriott Street Reserve	8.4
54	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Marriott Street Reserve	8.4
55	<i>Eucalyptus sideroxylon</i> (Flowering Ironbark)	Marriott Street Reserve	6
56	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Marriott Street car park	6

NOTE: Reference should be made to the Arboricultural Impact Assessment Report

(AIA) prepared by Redgum Horticultural dated 22 September 2019 'Revised' for tree numbering and locations. Trees 52a & 52b were not included in the AIA report.

- (c) Tree Protection Fencing must be installed and maintained prior to the commencement of any works and in accordance with the following:
 - (i) A 1.8 metre high fully supported chainmesh protective fencing, secured and fastened to prevent movement shall be installed:
 - a. Along the south-western boundary line next Marriott Street Reserve, encompassing T52 and T53 Marriott Street Reserve frontage along Cooper Street.
 - b. Around the dripline of T56 within Marriott Street car park.
 - Note: Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
 - (ii) The area within the fencing shall be mulched to a depth of 75mm and kept free of weeds and grass for the duration of works
 - (iii) Tree Protection Signage shall be attached facing outwards in a visible position identifying the name and contact details of the site Arborist. All signs must remain in place throughout all work on site.
 - (iv) Tree Protection Fencing must not be relocated unless written approval is obtained from the Site Arborist and a copy is provided to Council which outlines alternate protection measures required to ensure all trees remain viable and confirmation that the relocation of the fencing will not impacted the trees.
- (d) The ground surface protection must be installed if construction access is required through any TPZ and part (g)(i) of this condition has been approved:
 - (i) Protected with boarding (i.e. scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
 - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (e) The following works must be excluded from within any TPZs:
 - (i) Excavation;
 - (ii) Soil cut or fill including trenching;
 - (iii) Soil cultivation, disturbance or compaction;
 - (iv) Stockpiling, storage or mixing of materials;
 - (v) The parking, storing, washing and repairing of tools, equipment and machinery;
 - (vi) The disposal of liquids and refuelling;

- (vii) The disposal of building materials;
 - (viii) The siting of offices or sheds;
 - (ix) Any action leading to the impact on tree health or structure.
- (f) Any trenching works for services / hydraulics / drainage etc. must not be undertaken within any Tree Protection Zone (TPZ). Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed.
- (g) All work undertaken within or above the TPZ must be:
- (i) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
 - (ii) Supervised by a qualified Consultant Arborist (minimum AQF Level 5).

(51) TREE ROOT PROTECTION

- (a) Structural Root Zone (SRZ) Schedule:

Tree No.	Botanic / Common Name	Tree Location	SRZ (m) from Trunk
1	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree	2.5
10	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree	2.5
11	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree	2.5
12	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree	2.5
14	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree	2.5
15a	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree (young tree)	2
20	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Cleveland Street – Street tree	2.5
49	<i>Eucalyptus microcorys</i> (Tallowood)	Cooper Street – Street tree	2.6
50	<i>Lophostemon confertus</i> (Brush Box)	Cooper Street – Street tree	2.1
51	<i>Eucalyptus sideroxylon</i> (Flowering Ironbark)	Cooper Street – Street tree	2.2
52	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Marriott Street Reserve	2.5
53	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Marriott Street Reserve	3
54	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Marriott Street Reserve	3

Tree No.	Botanic / Common Name	Tree Location	SRZ (m) from Trunk
55	<i>Eucalyptus sideroxylon</i> (Flowering Ironbark)	Marriott Street Reserve	2.2
56	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Marriott Street car park	2.2
61	<i>Liquidambar styraciflua</i> (Sweet Gum)	Baptist Street – Street tree (young tree)	2

- (b) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.
- (c) Without prejudice to clause (b) above, any excavations within the SRZ must be undertaken using non-destructive methods (such as by hand or with an Airspade) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (d) Footings shall be relocated / realigned if any tree root greater than 40mm in diameter is encounter during excavations. A minimum of 150mm clearance shall be provided between the tree root and footing.
- (e) All excavations located within the TPZ must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
- (f) All root pruning must be undertaken by a qualified Arborist with a minimum AQF level 3.

(52) 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 issue 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) This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property.
- (e) All tree works must be undertaken from within the subject property unless consent from the neighbour is obtained to enter their property.

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 40mm in diameter.

(53) STREET TREE REMOVAL

- (a) Any street tree removal which has been approved by Council shall be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards.
- (b) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

(54) TREE ROOT INVESTIGATION

- (a) Prior to the installation of the driveway crossover and laneway off Baptist Street, exploratory root investigations must be undertaken by a qualified Arborist (minimum AQF Level 5) along the south eastern alignment. This shall consist of carefully removing the asphalt and hand digging a trench to expose tree roots to a minimum depth of 500mm below the existing grade. An assessment of tree root size, number and condition must be provided (including photos) in a report and submitted to Council's Area Planning Manager for approval prior to the issue of a Construction Certificate.
- (b) In the event any large structural roots (greater than 40mm diameter) are identified as a result of the exploratory root investigation, the design must be amended to ensure the tree is not compromised as a result of the works;
- (c) Any root pruning which has been approved by Council must be undertaken by a qualified Arborist with a minimum AQF level 3.

(55) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone as detailed below:
 - (i) Installation of tree protection measures;
 - (ii) During demolition of any ground surface materials (paving, concrete, grass etc) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (iii) During any excavation and trenching which has been approved by Council within the TPZ of any tree to be retained;
 - (iv) During any Landscape works within the TPZ of any tree to be retained.
- (b) An Arboricultural Compliance Report which includes photographic evidence and details of the health and condition of trees, must be submitted to Council's Area Planning Manager at each hold-point listed below:
 - (i) Certification tree protection measures have been installed in accordance with the conditions prior to the commencement of works;
 - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
 - (iii) Quarterly (a report every 3 months) reporting for the duration of construction and development within the site;
 - (iv) Details of any other works undertaken on any tree to be retained or within TPZ/s;
 - (v) A final compliance report shall be submitted prior to the issue of the Occupation Certificate.

(56) STREET TREE PROTECTION

Street trees must be 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 shall be undertaken prior to the issuing of the Construction Certificate. The protection shall be installed by a qualified Arborist (AQF 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times,

- (ii) Tree trunk/s and major branches must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) shall be placed around tree trunk/s. The timber planks shall 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 shall 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) 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 the trunks or branches of any street trees.
 - (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the construction works.
 - (e) Young street trees shall be protection by installing three (3) wooden stakes around the edge of the tree pit. Hessian shall be wrapped around the stakes. If existing stakes are already in place, these shall suffice as tree protection.
 - (f) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
 - (g) Any excavation within in any area known to, or suspected of having street tree roots greater than 40mm diameter must be undertaken by hand.
 - (h) Existing sections of kerbs adjacent to any street tree shall not be removed without approval from the Street Tree Coordinator. Removal of kerbs adjacent to mature trees can cause trees to become unstable and fail.
 - (i) 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.

(57) STREET TREE PLANTING AND MAINTENANCE

- (a) A Public Domain Plan must be submitted and approved by Council's Area Planning Manager prior to the issue of the Construction Certificate. The plan must include:
 - (i) Street trees must be located and planted in accordance with the City's Street Tree Master Plan (Technical Guidelines).
 - (ii) Tree species shall be consistent with the City's Street Tree Master Plan (Refer to relevant precinct plans). The tree species designated for The Shareway is to be aligned with Cooper Street – *Liriodendron Tulipifera* (Tulip Tree). Species substitutes will not be accepted;
 - (iii) The design must include structural soils or strata cells in accordance with the STMP (Technical Guidelines)
- (b) A minimum of three (3) new trees are to be planted in the new park adjoining Baptist Lane. The plan must include:
 - (i) The tree species, when mature, must attain a minimum height of no less than 15 metres and minimum canopy spread of 8 metres
 - (ii) Planting locations at an appropriate distance from the rear of the private terraces fronting Boronia Street and the proposed substation
- (c) The trees must be a minimum container size of 200 litres, at the time of planting;
- (d) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' at the time of planting.
- (e) Certification from the tree supplier must be submitted to Council's Tree Management Officer, prior to the trees being planting which confirms the new trees have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by Council.
- (f) The street tree(s) must be planted:
 - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) before the issuing of the final Occupation Certificate.
- (g) All new street trees must be inspected by Council's Tree Management Officer, before and after planting.
- (h) All street trees planted in accordance with the approved Public Domain Plan must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of twelve (12) months commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.

- (i) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (j) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(58) ALLOCATION FOR CAR WASH BAYS

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

(59) ALLOCATION FOR VISITOR PARKING

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

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

(60) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(61) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces	87
Accessible residential spaces	24
Residential visitor spaces	8
Accessible residential visitor spaces	1
Office and business parking	33
Accessible office and business parking	1
Retail parking	165
Accessible retail parking	4
Car share parking	7
Subtotal	330
Motorcycle parking	26
Car wash bay	3
Service vehicle spaces	9
Heavy Rigid Vehicle loading dock(s) (to also accommodate a Council waste truck)	1
Total	369

- (a) Number of motorcycle spaces refers to dimensions of 1.2m x 2.5m per Australian Standards. Alternatively the proponent may provide standard car spaces marked as motorcycle spaces (dimensions of 2.4m x 5.4m per Australian Standards). In this case 2 spaces would be required.
- (b) The waste collection area must meet the requirements of DCP12 Section 3.11.13 (3), namely that vehicle access for collection and loading will include (but is not limited to) the following:
- (i) a 9.25m Council garbage truck and a small rigid delivery vehicle;
 - (ii) minimum vertical clearance of 4.0 metres for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle;
 - (iii) collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes;
 - (iv) maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end;
 - (v) a minimum driveway width of 3.6m; and
 - (vi) a minimum turning circle radius of 10.5m.

- (c) The loading dock is to be co-used by the residential, commercial, supermarket retail, and other retail uses of the site and is to accommodate the delivery needs of each usage.
- (d) Accessible Parking spaces to meet the Australian Standards AS/NZS 2890.6 including having the shared area located adjacent to the space.

(62) ASSOCIATED ROADWAY COSTS

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

(63) BICYCLE PARKING AND END OF TRIP FACILITIES

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

Bicycle Parking Type	Number	Requirements
Residential	154	Spaces must be a class 2 bicycle facilities
Residential visitor	16	Spaces must be Class 3 bicycle rails
Non-residential	63	Spaces must be Class 2 bicycle facilities
Non-residential visitor	64	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	8	
Personal lockers	63	

Notes:

- (i) Australian Standard AS 2890.3:2015 refers to class 1 as class ‘A’, class 2 as class ‘B’, and class 3 as class ‘C’.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of:
 - (i) Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities,
 - (ii) ‘Austroads Bicycle Parking Facilities: Guidelines for Design and Installation’, and;
 - (iii) Sydney DCP 2012 Section 3.11.3.

- (c) The layout, design and security of bicycle facilities will include (but is not limited to) the following:
 - (i) Sydney DCP 2012 Section 3.11.3 (6a), access to bike parking areas are to be a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each.
 - (ii) Sydney DCP 2012 Section 3.11.3 (7), bike parking for visitors is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted.
 - (iii) Sydney DCP 2012 Section 3.11.3 (4) where bike parking for tenants is provided in a basement, it is to be located:
 - a. on the uppermost level of the basement;
 - b. close to entry/exit points; and
 - c. subject to security camera surveillance where such security systems exist.
- (d) Details of the required bike parking facilities must be submitted to and approved by Council's Area Coordinator, Planning Assessments prior to a Construction Certificate being issued.

(64) BICYCLE FACILITIES WAY FINDING PLAN

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

(65) CAR SHARE SPACES

- (a) A minimum of 7 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised plan showing these spaces must be submitted to and approved by Council's Area Coordinator Planning Assessments prior to the issue of a Construction Certificate.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to members of the car share scheme at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

(66) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

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

(67) COST OF SIGNPOSTING

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

(68) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

(69) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifier prior to a Construction Certificate being issued.

(70) 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.

(71) SIGNS AT EGRESS

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

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

(72) SMALL CAR PARKING SPACES AND DIMENSIONS

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

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

(73) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

(74) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
 - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
 - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An $L_{Aeq,15 \text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90, 15 \text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - (i) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.

- (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (c) Corrections in [Fact Sheet C](#) of the NPfl are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

(75) NOISE - ENTERTAINMENT

- (a) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the retail tenancies must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the $L_{A10, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level $L_{A90, 15 \text{ minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.

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

A site specific noise management plan shall be submitted to and approved by Council's Area Coordinator, Planning Assessments 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.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the Demolition, Excavation and Construction Management Plan, once it is approved by Council's Area Coordinator, Planning Assessments.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)
- (c) Such periods must be set and agreed to by Council's Health and Building Unit.

(78) USE OF INTRUSIVE APPLIANCES – NOT APPROVED

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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".

A separate Section 4.55 application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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.

(79) 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 Renzo Tonin & Associates, dated 4 September 2018, ref TK382-01F02 DA Acoustic Assessment (r3), titled 'Surry Hills Shopping Village DA Acoustic Assessment', Council Ref 2018/493799 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.

SCHEDULE 1B

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

(80) BUILDING WORKS TO COMPLY WITH BCA – HERITAGE BUILDINGS OR BUILDINGS WITHIN CONSERVATION AREA

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of any Construction Certificate.

(81) DISPOSAL OF SURPLUS SALVAGED MATERIALS

Salvaged traditional building materials surplus to the requirements of this project including timber doors, windows, bricks, structural timber, staircases, and joinery are to be sold to an established dealer in second hand heritage building materials. Documentation of the salvage methodology must be submitted for the approval of Council's Area Coordinator Planning Assessments prior to the commencement of demolition.

(82) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material, which is timber joinery
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(83) MATERIALS FOR MAKING GOOD

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

(84) HERITAGE ITEMS - WORKS TO BE CONSISTENT WITH CMP OR HIS

- (a) A conservation work schedule detailing methodologies for implementation of the recommendations of the Heritage Impact Statement prepared by Urbis and dated 15 May 2019 must be submitted to and approved by Council's Area Coordinator Planning Assessments, prior to a Construction Certificate being issued.
- (b) The conservation work schedule must detail how the recommendations will be undertaken, and include detailed drawings and outline specifications of works required to support any schedule of conservation works.

The work schedule must be implemented to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of the Occupation Certificate.

(85) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS

Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project.

Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

(86) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager. The report must explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

(87) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the former Bank of NSW Building is to be prepared to Council's satisfaction, and submit to and approved by Council's Area Coordinator Planning Assessments. The recording is to be in digital form, 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.

Procedure

For buildings or structures with heritage significance, the archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure. For a scope of work, refer to Council's Heritage Specialist to determine the particular architectural/design features of the building/site that may need to be recorded.

For buildings or structures with no heritage significance the archival documentation requirements are less comprehensive, and may just be limited to contextual and exterior photographs only. However, this will depend upon the type, complexity and significance of the building, and should be confirmed with Council's Area Coordinator Planning Assessments / Area Planning Manager, and if necessary Council's Urban Design and Heritage Manager.

Because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project, and submitted as two parts as follows.

- (a) The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site, and must be submitted to and approved by Council's Area Coordinator Planning Assessments prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- (b) The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site, and must be submitted to and approved by Council's Area Coordinator Planning Assessments prior to an Occupation Certificate being issued.

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'. The photographic recording is to be in digital form, 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.

- (c) For each of the two submissions listed above in (a) and (b), the digital form of the recording is to be as follows:
 - (i) The Development Application number and the Condition of Consent number must be noted.
 - (ii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.

- (iii) 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.
- (iv) 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.
- (v) The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: DOS title, image subject/description and data photograph taken.

(88) ARCHAEOLOGICAL INVESTIGATION

- (a) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*;
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to, and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of an Occupation Certificate.

(89) SITE WIDE LANDSCAPE MANAGEMENT PLAN

A site wide landscape management plan is to be submitted to, and approved by Council's Area Coordinator, Planning Assessments addressing, but not limited to, public and private areas (private courtyards and balconies) at ground and on slab, communal open spaces at ground and rooftops, green roof areas, and demonstrating who is responsible for each landscaped area and how the landscape features will be installed, as well as the costs and responsibility of ongoing maintenance of the landscaping.

(90) 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.

(91) 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.

(92) DISCHARGE OF CONTAMINATED GROUNDWATER

Contaminated groundwater shall not be discharged into the City's stormwater drainage system.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(93) 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.

(94) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plans prepared by Benviron Group dated April 2019, 16 September and 10 October 2019, 'Remediation Action Plan'; 'Re: Surry Hills Shopping Village Scope for Voluntary Planning Agreement Area (VPA)'; and Re: Surry Hills Shopping Village Addendum Remediation Action Plan (AdRAP)' and the Letters of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Marc Salmon of Easterly Point Environmental dated 12 August and 16 October 2019 and references 18042L04-ISAA04 and 18042L05-ISAA05. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

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

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

Any proposed EMP must be reviewed and approved by the Council's Health and Building Unit in writing through the Council's Area Coordinator / Area Planning Manager before the Site Audit Statement is issued.

(95) 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/or acid sulphate soils shall be notified to Council's Area Planning Manager and the Principal Certifier.

(96) 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, and approved by the Council's Area Planning Manager at email address:-

hbapplications@cityofsydney.nsw.gov.au

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

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building department in writing through the 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.

(97) LAND DEDICATION – NO LONG-TERM ENVIRONMENTAL MANAGEMENT PLAN

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

(98) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

(99) 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

(100) 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.

(101) 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*.

(102) 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.

(103) MICROBIAL CONTROL IN WATER SYSTEMS

The installation, operation and maintenance of water-cooling or warm water systems installed on the premises must comply with AS/NZS 3666:3:2011 - Air-handling and water systems of buildings-Microbial Control Part 3: Performance based maintenance of cooling water systems.

Note: The occupier of premises at which a water-cooling system is installed, must notify the council in writing on the prescribed form, of the installation of all water-cooling tower systems within the premises - Public Health Act 2010.

Notification forms are available on Council's website www.cityofsydney.nsw.gov.au

(104) INSTALLATION OF DUAL-FLUSH TOILETS

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

(105) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Principal Certifier, prior to an Occupation Certificate being issued.

(106) INSTALLATION OF WATER EFFICIENT URINALS

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Principal Certifier, prior to a Construction Certificate being issued.

(107) INTERNAL LIGHTING SYSTEM

The proposed internal lighting system for the commercial office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Principal Certifier prior to a Construction Certificate being issued.

(108) 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-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.

(109) 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.

(110) 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).

(111) 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.

(112) 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, bus shelters on Cleveland and Baptist Streets, 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.

(113) 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.

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

- (e) 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.

(114) 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.

(115) DRAINAGE AND SERVICE PIT LIDS

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

(116) FLOOD PLANNING FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

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 habitable residential floor levels, ground floor levels, basement car park entry levels and lift wells within the site shall be set 500mm above design 1% AEP flood levels; and

- (b) All proposed retail and commercial floor levels are to be at or above the 1% AEP flood level.

The relevant Flood Planning Levels are as determined by BMT Eastern Australia Pty Ltd in their report dated 30 August 2018.

A design certification report prepared by a Civil Engineer stating that the proposed floor levels of buildings and entrance points to below ground basement areas are at or above the required Flood Planning Levels, shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

A design certification report prepared by a Registered Surveyor/Civil Engineer stating that the as built floor levels of buildings and entrance points to below ground basement areas are at or above the required Flood Planning Levels, shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

(117) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Cleveland/Baptist Street intersection of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(118) 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.

(119) 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 Sydney Lights Design Code, Sydney Streets 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.

(120) 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.

(121) 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.

(122) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

(123) 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.

(124) PHYSICAL MODELS

Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

- (a) 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.
- (b) The models are to comply with all of the conditions of the Development Consent.
- (c) 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.

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

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

- (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.

(126) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of properties 2-38 Marriott Street, Redfern (19 properties); 56-70 Boronia Street, Redfern (8 properties); and 40-54 Baptist Street, Redfern (8 properties) 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.

(127) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.

- (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with the City's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
 - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.

- (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - (xv) Disconnection of utilities.
 - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

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

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

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
 - (i) existing site contours;
 - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
 - (iii) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

(129) ROAD OPENING PERMIT

A separate Road Opening Permit under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

(130) 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.

(131) 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.

(132) FLOOR TO CEILING HEIGHT

Prior to a Construction Certificate being issued, the Principal Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

(133) NUMBER OF ADULTS PER ROOM

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

(134) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Principal Certifier demonstrating compliance with the requirements of the *Sydney DCP 2012* in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.
- (b) In the preparation of the report:
 - (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;

- (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifier, certifying compliance with the condition.

(135) 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*).

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

- (a) Where scaffolding is to be installed to undertake the proposed development an approved graphic / artwork installation must be provided on the scaffolding system to shield the development from the public place and to minimise adverse visual impacts on the locality.
- (b) The graphic installation must be printed, installed and maintained in accordance with Council's Guidelines for Hoardings and Scaffolding. Details of the proposed graphic must be submitted to and approved by Council prior to the installation of any scaffolding.

(137) TEMPORARY STRUCTURES (HOARDINGS, SCAFFOLDING AND OTHER STRUCTURES) INSTALLED ON PUBLIC ROADS THAT REQUIRE DEVELOPMENT CONSENT

The following forms of temporary structures (hoardings, scaffolding and other structures) proposed for installation on public roads and in connection with the construction of the approved development require Council approval (development consent):

- (a) Type B hoardings that span over roads such as laneways;
- (b) Type B hoardings that propose more than a single storey of site sheds installed on a hoarding deck;
- (c) Type A and Type B hoardings with or without scaffolding that project beyond the side boundaries of adjoining properties;
- (d) fenced work compounds at roadway/footway level;
- (e) hoardings/scaffolding associated with works on heritage-listed buildings;
or
- (f) any other large and/or potentially high environmental impact temporary structures, as determined by Council.

A separate development application must be submitted and approved by Council prior to the installation of any temporary structure listed above.

(138) 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.

(139) 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.

(140) LAND SUBDIVISION – SEPARATE DA REQUIRED

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

(141) STRATA SUBDIVISION – DEVELOPMENT CONSENT

Any proposal for strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or an accredited certifier, of the Strata Plan – and issue of a Strata Certificate, under the *Strata Schemes Development Act 2015*.

(142) TELECOMMUNICATIONS IN NEW DEVELOPMENTS

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and

- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

(143) 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 broad-band 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.

(144) 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.

(145) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(146) 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.

(147) HOURS OF WORK AND NOISE

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

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

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

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

(148) BASIX

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

(149) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

(150) 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.

(151) SURVEY

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

(152) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period;

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;

- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

(153) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997
- (b) Protection of the Environment Operations (Waste) Regulation 2005
- (c) Waste Avoidance and Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2011.

(154) VEHICLE CLEANSING

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

(155) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(156) 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.

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

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

(158) SYDNEY WATER CERTIFICATE

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

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

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

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

(159) ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

(160) 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.

(161) 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.

(162) 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

(163) AUSGRID CONDITIONS

(a) Underground Cables

There are existing underground electricity network assets in Cleveland St and Baptist St. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

(b) Substation

There are existing electricity substation assets within proposed development.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

(164) ROADS AND MARITIME SERVICES CONDITIONS

- (a) 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 Cleveland Street boundary.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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
- (f) A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.
- (g) All works/signposting associated with the subject development (including public utility adjustment/relocation works) shall be at no cost to Roads and Maritime.
- (h) The northern section of Baptist Lane (north of Boronia Street) should become a shared zone to fit into the existing shared zone being proposed for the proposed development. Roads and Maritime is responsible for the setting and signposting of safe and appropriate speed limits in accordance with the NSW Speed Zoning Guidelines.

- (i) Vegetation and proposed landscaping/fencing must not hinder driver sight lines on Cleveland Street to other road users and critical road infrastructure.
- (j) 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.
- (k) All demolition and construction vehicles are to be contained wholly within the site (or on local road) and vehicles must enter the site before stopping.
- (l) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Cleveland Street during construction activities.
- (m) A construction zone will not be permitted on Cleveland Street.

(165) SYDNEY WATER CONDITIONS

- (a) Sydney Water Servicing

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

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

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

- (b) Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals

- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

(c) Requirements For Business Customers For Commercial And Industrial Property Developments. Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

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

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

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

(d) Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

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

- (ii) Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

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

(e) Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost-effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWT-Calculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

(f) Contingency Plan Recommendations

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

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:

- (166)** 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.
- (167)** 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.
- (168)** 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.
- (169)** 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).
- (170)** 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.