

Attachment A

Recommended Conditions of Consent
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PART A – DEFERRED COMMENCEMENT CONDITIONS

SCHEDULE 1

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

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the Council Of The City Of Sydney and Leading Group Development Pty Limited which was placed on public exhibition for a period of 28 days from 3 December 2019 shall be executed and submitted to Council; and
 - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
 - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land; and
 - (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.
- (B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (D) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

PART B – CONDITIONS OF CONSENT

SCHEDULE 1A

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

(1) STAGED DEVELOPMENT APPLICATION

Pursuant to Division 4.22 of the Environmental Planning and Assessment Act 1979, this Notice of Determination relates to a concept development application and a subsequent development application is required for any work on the site.

(2) APPROVED DEVELOPMENT CONCEPT

- (a) Development must be in accordance with Development Application No. D/2019/657 dated 24 June 2019 and the following drawings prepared by Dickson Rothschild:

Drawing Number	Drawing Name	Date
SK-0-211, Q	Typical Floor Plate	11/11/2019
SK-0-301, J	North Elevation	28/10/2019
SK-0-302, L	South Elevation	11/11/2019
SK-0-303, M	West Elevation	11/11/2019
SK-0-304, J	East Elevation	28/10/2019
SK-0-401, H	Section 1	28/10/2019
SK-0-402, H	Section 2	28/10/2019

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.

(3) MATTERS NOT APPROVED

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

- (a) any demolition, excavation and/or construction;
- (b) the layout and number of tenancies;
- (c) any basement levels and/or the configuration of car parking;

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

(4) DESIGN MODIFICATIONS

The design of the building envelope must be modified as follows:

- (a) the height of the building envelope at its south-eastern corner must be reduced from RL 53.65 down to RL 53.56;
- (b) notations for 'RAMP UP FROM BOTANY ROAD TO RL 14.06' on drawing SK-0-211, Q, Typical Floor Plate are to be deleted;
- (c) notations pertaining to the northern boundary of Lot 5 in DP 25272 and which state 'RETAIN PARTY WALL TO ADJOINING PROPERTY SUBJECT TO STRUCTURAL ENGINEER' are to be deleted.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the commencement of any competitive design process.

(5) BUILDING HEIGHT

The height of the building must not exceed 40 metres as defined in the *Sydney Local Environmental Plan 2012*.

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the detailed design of the building must not exceed the maximum permissible FSR calculated in accordance with the relevant provisions of the *Sydney Local Environmental Plan 2012*.
- (b) Precise FSR details are to be submitted as part of any subsequent development application for the detailed design of the building.

(7) BUILDING ENVELOPES

Subject to the other conditions of this consent, the concept envelope is only approved on the basis that the detailed building design, including services, balconies, shading devices and the like will be contained entirely within the approved envelope.

(8) DISTRIBUTION OF FLOOR SPACE WITHIN ENVELOPES

The approved concept envelope establishes the maximum parameters for the competitive process and the future built form on the site. The detailed design must not occupy the entirety of the envelope. The maximum permissible floor space of the detailed design must be consistent with the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and the conditions of this consent.

(9) COMPETITIVE DESIGN PROCESS

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

- (a) conducted in accordance with the Design Excellence Strategy, Rev03, for 332-326-328 Botany Road, Alexandria, prepared by Mecone and dated 30.10.19 on behalf of Leading Group Development Pty Limited.
- (b) conducted prior to the lodgement of any subsequent development application for the detailed design of development on the site.

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

(10) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with any subsequent development application for the detailed design of the building to confirm that the building has adopted the proposed minimum ESD targets set out in section 7 of the approved Design Excellence Strategy, and which are as follows:

- (a) Building Code of Australia – compliance with the requirements of Section J Energy Efficiency;
- (b) Requirements of 3.6 of the Sydney Development Control Plan 2012;
- (c) 4 Star Green Star Design & As-Built v1.2 Rating;
- (d) 5.5 Star NABERS Energy Base Building Rating; and
- (e) Property Council of Australia (PCA) Office Quality Grade B.

The ESD targets are to be carried through the competitive design process phase, design development, detailed design DA phase, construction, and through to completion of the project.

(11) DETAILED DESIGN

The design brief for the competitive design process and the building design submitted as part of any subsequent development application for the detailed design of the building, must address the following design requirements:

- (a) the gross floor area of any ground floor kiosk tenancies must not exceed 20 square metres, in accordance with clause 5.4(6) of the Sydney LEP 2012;
- (b) a through site link must not be provided;
- (c) car parking areas at ground level are to be screened by active uses to a minimum depth of 6m from the facade visible to the street or public domain;
- (d) both street frontages are to provide active frontages in accordance with the provisions at section 3.2.3 of the Sydney DCP 2012 including the

minimum requirements set out in Table 3.1 Ground floor active frontages (at 3.2.3 of the DCP);

- (e) the building is to positively address the street, maximise visible internal uses at ground level and is to include high quality finishes and public art to enhance the public domain;
- (f) a continuous footpath awning is to be provided to the building's Botany Road frontage;
- (g) a minimum floor to floor height of 4.5m on the ground floor and 3.6m on any floor above in accordance with provision 4.2.1.2(1) of the Sydney DCP 2012;
- (h) the number and configuration of any car parking spaces located at ground level or above, must be in accordance with the requirements of provision 5.2.12 of the Sydney DCP 2012;
- (i) the building, including its entries and foyers, is to be oriented to its primary (Botany Road) street frontage;
- (j) building facades are to:
 - (i) relate sympathetically to existing buildings in the vicinity, particularly if they have streetscape value;
 - (ii) incorporate a variety of materials and textures; and
 - (iii) use a proportion of solid surfaces, preferably brick masonry that employs bricks similar to those used on significant buildings that characterise the area;
- (k) rooftop structures such as plant rooms, solar panels, air conditioning and ventilation systems are to be incorporated into the design of the building and concealed within the roof form or located within a well-designed, integrated roof top element;
- (l) any design for a tall building (>35m in height) is to be vertically proportioned in height, form and articulation;
- (m) maximise the use of natural lighting and ventilation;
- (n) provide a minimum deep soil area of 10% of the site area, with a minimum dimension of 3 metres. Note deep soil must be unencumbered by structures above, below or within the designated area;
- (o) provide canopy cover to at least 15% of the site within 10 years of completion of the development;
- (p) green roofs and walls are encouraged in the development, provided in accordance with provision 5.8.7.4 of the Sydney DCP 2012; and
- (q) side and rear building setbacks are to respond to the surrounding context including to provide natural light / ventilation to or separation from windows on adjacent sites.

(12) PUBLIC ART

Public art for the development should be provided in accordance with the Public Art Strategy, prepared by Mecone, submitted at lodgement of development application D/2019/657, and as amended by the conditions of this consent.

In accordance with the approved Public Art Strategy a Preliminary Public Art Plan is to be submitted at lodgement of any subsequent development application for the detailed design of the building.

(13) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

The level difference between ground floor building levels and the adjacent public footpath shall not exceed 1200mm. The following performance criteria shall apply to the design of buildings and structures on the site:

- (a) All proposed ground floor levels within the site shall be set at or above the required flood planning level being the 1% AEP flood level of 14.06m A.H.D estimated by the WMA Water site flood assessment dated 30 May 2019.

(14) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO COMPETITIVE DESIGN PROCESS

- (a) Prior to the commencement of any competitive design process for the site, an accurate 1:1 electronic CAD model of the envelope approved by this consent (and as modified by the DESIGN MODIFICATIONS condition above) must be submitted to and approved by Council's City Model officers.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) envelope design above in accordance with the development consent;
 - (ii) 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.

SCHEDULE 1B

(15) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The detailed design of the building must provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

(16) SIGNAGE STRATEGY

A detailed signage strategy shall be lodged as part of any development application for the detailed design of the building. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

(17) SUSTAINABLE TRANSPORT ON SOUTHERN EMPLOYMENT LAND

Any subsequent development application for the detailed design of the building must include information to address:

- (a) clause 7.25 of the Sydney Local Environmental Plan, which requires the development to promote sustainable transport modes and minimise traffic congestion. This may include but is not limited to:
 - (i) how the development will address sustainable transport objectives set out in Sustainable Sydney 2030 and the Green Square and Waterloo Transport Action Plan;
 - (ii) trip generation information and how this is to be catered for if on-site car-parking is to be constrained; and
 - (iii) details of bicycle parking and end of trip facilities, including, the numbers of bicycle parking spaces, showers, lockers, the layout, design and security of bicycle facilities in accordance with *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*, 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation', and provision 3.11.3 of the Sydney DCP 2013;
- (b) servicing and waste collection in accordance with the relevant requirements of provisions 3.11.6 and 3.11.13 of the Sydney DCP 2012.

(18) VEHICLES ACCESS

All vehicles must enter and depart the site in a forward direction.

(19) 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.

(20) SWEPT PATH ANALYSIS

Any subsequent development application for the detailed design of the building must include a swept path analysis to show how the largest vehicle can enter and exit the site. This information will determine the largest vehicle permitted to service the site and the width of the driveway crossing.

(21) CAR SHARE SPACES

Any subsequent development application for the detailed design of the building must include provision of parking space(s) for the exclusive use of car share scheme vehicles in accordance with the relevant rates at 3.11.2 of the Sydney DCP 2012.

(22) SECURITY GATES

If a design submitted as part of a subsequent development application for the detailed design of the building incorporates a car park accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

(23) ACID SULFATE SOILS

As part of any subsequent development application for the detailed design of the building the proponent will be required to:

- (a) submit to Council a Preliminary Assessment prepared in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for the works that are classified as being in an Acid Sulfate Soils zone *class 5*. The Preliminary Assessment must be prepared by a person or company who is qualified and competent in relevant geotechnical expertise in relation to the assessment and remediation of Acid Sulfate Soil risks. The Preliminary Assessment must conclude that an ASSMP is not required in accordance with the guidelines otherwise an ASSMP must also be submitted to Council in accordance with clause (a) of this condition;

or

- (b) submit to Council an Acid Sulfate Soils Management Plan (ASSMP) for the proposed works prepared in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 that are classified as being in an Acid Sulfate Soils zone *class 5 and 40m from an Acid Sulfate Soils zone class 3*. The ASSMP must be prepared by a person or company who is qualified and competent in relevant geotechnical expertise in relation to the assessment and remediation of Acid Sulfate Soil risks.

(24) LAND DEDICATION - NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN

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

(25) LAND CONTAMINATION

- (a) Any subsequent development application for the detailed design of the building must include reports and documentation to address the requirements of State Environmental Planning Policy No 55 – Remediation of Land.
- (b) The relevant reports and documentation may include but are not limited to the following:
 - (i) Preliminary Environmental Site Investigation Report;
 - (ii) Detailed Environmental Site Investigation Report;
 - (iii) Remediation Action Plan; and
 - (iv) Addenda letter prepared by Asset Geotechnical Engineering Pty Ltd, Ref: 5046-4-E1, dated 21 August 2019 (trim 2019/386429-09).

(26) ACOUSTIC REPORT

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any subsequent development application for the detailed design of the building in accordance with the provisions of the *Sydney Development Control Plan 2012*.

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

Any subsequent development application for the detailed design of the building must include a detailed demolition, excavation, construction and vibration noise management plan that identifies any of these activities likely to result in exceedance of the relevant EPA and Council guidelines and provides mitigation strategies to minimise noise and vibration impacts.

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

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

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver

locations and measured in accordance with AS 1055:1.2.1997.(d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.(e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.(f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.(g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.(h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(28) STORMWATER AND DRAINAGE

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

(29) WASTE AND RECYCLING MANAGEMENT

- (a) The Operational Waste Management Plan, Rev. D, dated 28/10/19 as prepared by Elephants Foot (TRIM ref. no. 2019/553881) contains information pertaining to waste generation rates and associated waste management requirements that may be used as guidance for the purposes of informing the competitive design process brief.
- (b) Any subsequent development application for the detailed design of the building is to provide details of the location, construction and servicing of the waste collection facilities and a Waste Management Plan for the demolition, construction and operational phases of the development. The design of these facilities and the Waste Management Plan is to be in accordance with provision 4.2.6.4 of the Sydney DCP 2012 and the Council's *Guidelines for Waste Management in New Developments 2018*.

(30) INFORMATION FOR THE PURPOSE OF CALCULATING SECTION 7.11 AND AFFORDABLE HOUSING CONTRIBUTIONS

Any subsequent development application for the detailed design of the building must include the following information:

- (a) Gross floor area (GFA) schedules and diagrams for the existing and proposed development for the purposes of calculating section 7.11 contributions and credits;

- (b) Total floor area (TFA) schedules and diagrams for the proposed development for the purposes of calculating affordable housing contributions. Note: TFA is defined at clause 7.13 of the Sydney Local Environmental Plan 2012.

SCHEDULE 1C

(31) ENCROACHMENTS – PUBLIC WAY

Any detailed design of the building lodged under a subsequent development application for the development of the site must ensure that no portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

(32) PARTY WALL

Any subsequent development application for the detailed design of the building must not include demolition of the party wall erected along the common boundary between Nos. 326-328 and No. 324 Botany Road (between Lot 4 & Lot 5 in DP 25272 unless prior written consent is first obtained from all registered proprietors of Lot 4 in DP 25272, known as No. 324 Botany Road Alexandria.

(33) PLAN OF CONSOLIDATION

Any subsequent development application for the detailed design of the building is to make provision for a plan of consolidation to be prepared and registered with the office of NSW Land Registry Services. Any detailed design of the building must be based upon the redefined boundaries of the registered consolidation plan.

SCHEDULE 1D

AUSGRID CONDITIONS

(34) OVERHEAD POWERLINES

There are existing overhead electricity network assets in Botany Rd. Safework NSW Document - Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

(35) UNDERGROUND CABLES

There are existing underground electricity network assets in Botany Rd and O'Riordan 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.

SCHEDULE 1E

RMS CONCURRENCE CONDITIONS

Concurrence is provided to the vehicular crossing to Botany Road under Section 138 of the *Roads Act 1993*, subject to Council's approval and the following requirements:

1. All buildings and structures, together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth), along the Botany Road and O'Riordan Street boundary.
2. The design and construction of the vehicular crossing on Botany Road and stormwater connection shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email at DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed works are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

3. Roads and Maritime is currently undertaking a program to implement "Clearways" on State roads within Sydney. If not already in place, "Clearway" restrictions shall be implemented along the full Botany Road and O'Riordan Street frontage of the development site.
4. All vehicles shall enter and exit the site in a forward direction.
5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
7. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
8. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.
9. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road and O'Riordan Street during construction activities. A ROL can be obtained through <https://lmyrta.com/oplinc2/pages/security/oplincLogin.jsf>.

SCHEDULE 1F

DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, CITIES AND REGIONAL DEVELOPMENT CONCURRENCE CONDITIONS

1. The building must not exceed a maximum height of 53.7 metres AHD, this includes all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. Separate approval must be sought under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
3. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia.com> and quoting YSSY-CA-230.
4. On completion of construction of the building, the Proponent must provide the airfield design manager with a written report from a certified surveyor on the finished height of the building.

Breaches of approval conditions are subject to significant penalties under Sections 185 and 187 of the Act.

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>