

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 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/390 dated 18 April 2019 and the following drawings prepared by Rothelowman:

Drawing Number	Drawing Name	Date
DA2-003, revision A	Existing/demolition plan	13 November 2019
DA2-004 revision B	Proposed site plan	17 January 2020
DA2-100 revision C	Basement floor plan	17 January 2020
DA2-101 revision B	Upper basement floor plan	16 January 2020
DA2-102 revision C	Level 1 floor plan	17 January 2020
DA2-103 revision A	Level 2 floor plan	13 November 2019
DA2-104 revision A	Level 3 floor plan	13 November 2019
DA2-105 revision A	Level 4 floor plan	13 November 2019
DA2-106 revision A	Level 5 floor plan	13 November 2019
DA2-107 revision A	Level 6 floor plan	13 November 2019
DA2-108 revision A	Level 7 floor plan	13 November 2019
DA2-109 revision A	Roof plan	13 November 2019
DA2-301 revision B	Elevations sheet 1	28 November 2019
DA2-302 revision B	Elevations sheet 2	28 November 2019
DA2-303 revision B	Elevations sheet 3	28 November 2019
DA2-304 revision B	Sections sheet 1	23 December 2019
DA2-305 revision B	Sections sheet 2	23 December 2019
DA2-310 revision c	Sections sheet 3	10 January 2020
DA2-311	Building 1 – Façade section detail	13 November 2019
DA2-312 revision A	Building 2 - Façade section detail	13 November 2019

Drawing Number	Drawing Name	Date
DA2-313	Building 3 – Façade section detail	13 November 2019
DA2-622 revision A	Storage plans and schedule	13 November 2019
DA2-631 revision A	Adaptable, LHA compliant and accessible plans	13 November 2019
DA2-632 revision A	Adaptable, LHA compliant and accessible plans	13 November 2019
DA2-633 revision A	Adaptable, LHA compliant and accessible plans	13 November 2019
DA2-651 revision B	BASIX	17 January 2010
DA2-655 revision A	Window schedule	13 November 2019
DA2-656.1	Building 1 level 2 – cross ventilation	13 November 2019
DA2-656 revision A	Building 1 level 1 – cross ventilation	13 November 2019
DA2-657 revision A	Building 1 typical level – cross ventilation	13 November 2019
DA2-658.1	Building 2 level 2 – cross ventilation	13 November 2019
DA2-658 revision A	Building 2 level 1 – cross ventilation	13 November 2019
DA2-659 revision A	Building 2 typical level – cross ventilation	13 November 2019
DA2-660 revision A	Building 3 level 1 – cross ventilation	13 November 2019
DA2-661 revision A	Building 3 typical level – cross ventilation	13 November 2019
DA-662 revision A	Building 3 – level 5 cross ventilation	13 November 2019
DA2-663 revision A	Building 1 – level 6 cross ventilation	13 November 2019
DA2-665 revision A	Building 2 – level 6 cross ventilation	13 November 2019
DA2-666 revision A	Building 2 – level 7 – cross ventilation	13 November 2019
DA2-667 revision A	Building 3 – level 6 - cross ventilation	13 November 2019
DA2-664 revision A	Building 1 – level 7 – cross ventilation	13 November 2019
DA2-668 revision A	Building 3 – level 7 – cross ventilation	13 November 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) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH PRECINCT

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

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$1,705,084.00
Community Facilities	\$344,253.73
Traffic and Transport	\$320,786.94
Stormwater Drainage	\$126,891.56
Total	\$2,497,016.23

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

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

Where:

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

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

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

CPI_{consent} = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 116.5 for the September 2019 quarter.

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

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au 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.

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

In accordance with clause 7.13 of Sydney Local Environmental Plan 2012 and prior to any Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning, Industry and Environment or a bank guarantee in favour of the Department of Planning, Industry and Environment to the value of the required contribution has been lodged. The contribution is \$4,278,078.60 based on the in lieu monetary contribution rate for non-residential development at \$77.92 per square metre of total non-residential floor area 10sqm, and for residential development at \$233.86 per square metre of total residential floor area 18,290sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted 1 March 2019 to 29 February 2020, the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

(a) Applicants have two payment options:

Option 1 is payment by bank cheque using "Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque". Form B must be obtained from the Green Square and Major Projects team, Strategic Planning and Urban Design unit at the City of Sydney on GSPT@cityofsydney.nsw.gov.au and then must be lodged with a bank cheque with the NSW Department of Planning, Industry and Environment.

Option 2 is lodgement of a bank guarantee using "Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee". Form A must be obtained from the Green Square and Major Projects team, Strategic Planning and Urban Design unit at the City of Sydney on GSPT@cityofsydney.nsw.gov.au and then must be lodged with a Bank Guarantee with the NSW Department of Planning, Industry and Environment.

Where Form A has been used, any occupation certificate must not be released until payment by bank cheque using "Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque". Form C must be obtained from the Green Square and Major Projects team, Strategic Planning and Urban Design unit at the City of Sydney on GSPT@cityofsydney.nsw.gov.au and then must be lodged with a bank cheque with the NSW Department of Planning, Industry and Environment.

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

- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney's Green Square and Major Projects team, Strategic Planning and Urban Design unit. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning, Industry and Environment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = $C \times \text{HPI2} / \text{HPI1}$, where:
 - (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics 1 March 2019 to 29 February 2020.

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

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in between the Council of the City of Sydney, and the Owners of Strata Plan SP34888, and Stockland Development Pty Limited on 18 September 2018 are to be complied with.

(5) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Photovoltaic panels are to be added to the roofs of each building. They are to be located such that they are not visible from the street and do not impact on the amenity of the openings on the roof. Amended building height approval must also be obtained from Sydney Airport.
- (b) Apartments 3204, 3304 and 3404 are to be redesigned so that the rear bedroom has access to light and outlook. This could to be done by increasing the bedroom size to accommodate an outward facing window and increase the size of raised planters to minimum 4 metre length (to match the bedroom), 1.5 metres wide and 800mm depth.
- (c) The window facing the southern side boundary in apartment 1201 is to be deleted.

- (d) A small protruding blade wall or window hood which does not obstruct natural cross ventilation is to be added to the bedroom windows in apartments 1308, 1408, 1508 and 2201.
- (e) Operable louvres are to be added to the north side balconies for apartments 2202, 2305, 2405, 2505 and 2610, and the southern side balconies for apartments 1308, 1408, 1508 and 1602.
- (f) The first floor balcony balustrades are to be updated to improve visual privacy from the public domain.

The modifications must be submitted to and approved by Council's Director City Planning, Development and Transport prior to any Construction Certificate being issued..

(6) DESIGN MODIFICATIONS - LANDSCAPING

- (a) The following items are required to be resolved prior to issue of the first construction certificate:
 - (i) Coordinate services to minimise impacts on retained trees, ensure all paved areas in private open space areas are permeable and laid on flexible sand base and ensure the landscaping provides a high amenity, quality and privacy between the private open space and public domain / street edge.
 - (ii) Rationalise the stormwater design and location of junction pits and pipes to OSD tank on Dunning and Mentmore Avenue.
 - (iii) Provide details which demonstrate that the landscape features located on the edges of the TSL comply with the Sydney Landscape Code.
 - (iv) Resolve level change and provide equitable access between Level 1 and 2 common open space.
 - (v) Review the design of all private courtyard terraces to ensure privacy and landscaping with adequate soil depth for trees and shrubs.
 - (vi) Amend common open space design to accommodate access consultant recommendations to include seating and table seating with an area that has no built in seating so that a person using a wheelchair can use it.
 - (vii) Design planters on balconies to Level 2-6 planters ensure planting suitable for shaded microclimate
 - (viii) Review rainwater tank size and confirm increase capacity of rainwater harvesting reuse for irrigation purposes.

The modifications must be submitted to and approved by Council's Director City Planning, Development and Transport prior to any Construction Certificate being issued.

(7) LANDSCAPING OF THE SITE (deep soil zones and landscape setbacks)

- (a) The landscape package prepared by Scott Carver, dated November 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 City 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 15 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) To increase permeability of deep soil zones and to assist with the ease of drainage to deep soil planting, all paved surfaces shown on dwg 20180190-LD-DA100 [2] are to be permeable and laid on a flexible sand base.
 - (iii) Amend the compost area design to rationalise the distribution of space to include a minimum of 2-3 additional new medium to large trees in deep soil.
 - (iv) Location and details of existing and proposed structures on the site including, but not limited to, paved areas, permeable surfaces, walls, edges, services, furniture, shade structures, lighting and other features
 - (v) Details of earthworks and soil depths including finished levels and any mounding.
 - (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 DA2-100 C, basement floor plan and dated 17 January 2020. 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.

(8) ACCESSIBLE GREEN ROOFS (landscape on slab – common open space and planters on upper levels)

- (a) The landscape package prepared by Scott Carver, dated November 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 City 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 communal open space, 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. 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.
 - (vi) Confirm the soil volume for all new trees on slab and compliance with Sydney Landscape Code Volume 2
 - (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (viii) 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.
 - (ix) Green roof maintenance plan. This plan is to be complied with during occupation of the property.
 - (x) 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.

(9) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Director City Planning, Development and Transport prior to any Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions, or use terminology such as 'or similar'.

(10) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 2.2:1, calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the development is 13,578sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

(11) BUILDING HEIGHT

- (a) The height of all buildings must not exceed RL 41m (AHD) to the top of the building. This excludes any photovoltaic panels.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

(12) 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.

(13) 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.

(14) HOURS OF OPERATION - CAFE

The hours of the café are restricted to between 7am and 10pm Monday to Sunday.

(15) 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.

(16) SIGNAGE AND WAYFINDING

- (a) Prior to issue of any construction certificate, a wayfinding and signage strategy is to be submitted to and approved by the Area Coordinator Planning Assessments/ Area Planning Manager.
- (b) Wayfinding and signage is to be installed prior to any occupation certificate.

(17) TREES – CONSTRUCTION ACCESS AND STORAGE

The Principle Certifier must ensure that:

- (a) Site access during demolition and construction must use the existing driveway crossovers to enter and exit the site.
- (b) The proposed ‘Bin Storage Area’ shown on the Construction and Demolition Waste Management Plan prepared by Elephants Foot dated April 2019 must be relocated outside of TPZ of trees to be retained.

(18) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until the Construction Certificate has been issued.

Table 1 – Tree Removal:

Tree No	Botanical/Common Name	Location
1, 2, 3.1, 10, 16, 18	<i>Casuarina cunninghamiana</i> (River She-Oak)	Dunning Avenue
3	<i>Corymbia maculata</i> (Spotted Gum)	

14.1, 22-26	<i>Melaleuca quinquenervia</i> (Paperbark)	
27-29, 39, 41	<i>Melaleuca quinquenervia</i> (Paperbark)	Mentmore Avenue
30, 31	<i>Eucalyptus melliodora</i> (Yellow Box)	
32	<i>Corymbia citriodora</i> (Lemon-scented Gum)	
33	<i>Eucalyptus sp.</i>	
45	<i>Casuarina cunninghamiana</i> (River She-Oak)	

Refer to Arboricultural Impact Assessment Report prepared by Eco Logical dated 19 January 2020 'Version 9' for tree location and numbering.

- (b) 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.

(19) 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
4, 5, 7, 12, 13, 14, 15, 15.1, 19, 21	<i>Melaleuca quinquenervia</i> (Paperbark)	Dunning Avenue Frontage
6, 11.1, 17	<i>Casuarina cunninghamiana</i> (River She-Oak)	
8, 9, 11	<i>Eucalyptus sp.</i>	
20	<i>Banksia integrifolia</i> (Coastal Banksia)	
34, 35, 38, 40, 42, 43	<i>Melaleuca quinquenervia</i> (Paperbark)	Mentmore Avenue Frontage
36, 37, 44	<i>Eucalyptus melliodora</i> (Yellow Box)	

Refer to Arboricultural Impact Assessment Report prepared by Eco Logical dated 19 January 2020 'Version 9' for tree location and numbering.

(20) 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).

(21) TREE PROTECTION DURING CONSTRUCTION

- (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
4	<i>Melaleuca quinquenervia</i> (Paperbark)	Dunning Avenue Frontage	3
6	<i>Casuarina cunninghamiana</i> (River She-Oak)	Dunning Avenue Frontage	5
8	<i>Eucalyptus sp.</i>	Dunning Avenue Frontage	4
9	<i>Eucalyptus sp.</i>	Dunning Avenue Frontage	3
11.1	<i>Casuarina cunninghamiana</i> (River She-Oak)	Dunning Avenue Frontage	4.5
11	<i>Eucalyptus sp.</i>	Dunning Avenue Frontage	3.6
14	<i>Melaleuca quinquenervia</i> (Paperbark)	Dunning Avenue Frontage	3
14.1	<i>Melaleuca quinquenervia</i> (Paperbark)	Dunning Avenue Frontage	3.5
17	<i>Casuarina cunninghamiana</i> (River She-Oak)	Dunning Avenue Frontage	3.5
20	<i>Banksia integrifolia</i> (Coastal Banksia)	Dunning Avenue Frontage	5.5
36	<i>Eucalyptus melliodora</i> (Yellow Box)	Mentmore Avenue Frontage	6
37	<i>Eucalyptus melliodora</i> (Yellow Box)	Mentmore Avenue Frontage	5.5

44	<i>Eucalyptus melliodora</i> (Yellow Box)	Mentmore Avenue Frontage	4.2
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Refer to Arboricultural Impact Assessment Report prepared by Eco Logical dated 19 January 2020 'Version 9' for tree location and numbering.

- (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 around the canopy dripline and along the footpath/joining the hoarding. 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 impact the tree/s.
- (d) 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 (except for localised siting of piers / demolition of the concrete slab);
 - (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)

(22) TREE ROOT PROTECTION

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

Tree No.	Botanic / Common Name	Tree Location	SRZ (m) from Trunk
4	<i>Melaleuca quinquenervia</i> (Paperbark)	Dunning Avenue Frontage	2
6	<i>Casuarina cunninghamiana</i> (River She-Oak)	Dunning Avenue Frontage	2
8, 9	<i>Eucalyptus sp.</i>	Dunning Avenue Frontage	2
11.1	<i>Casuarina cunninghamiana</i> (River She-Oak)	Dunning Avenue Frontage	2.2
11	<i>Eucalyptus sp.</i>	Dunning Avenue Frontage	2
14, 14.1	<i>Melaleuca quinquenervia</i> (Paperbark)	Dunning Avenue Frontage	2
17	<i>Casuarina cunninghamiana</i> (River She-Oak)	Dunning Avenue Frontage	2
20	<i>Banksia integrifolia</i> (Coastal Banksia)	Dunning Avenue Frontage	2.4
36, 37	<i>Eucalyptus melliodora</i> (Yellow Box)	Mentmore Avenue Frontage	2.5
44	<i>Eucalyptus melliodora</i> (Yellow Box)	Mentmore Avenue Frontage	2.1

Refer to Arboricultural Impact Assessment Report prepared by Eco Logical dated 19 January 2020 'Version 9' for tree location and numbering.

- (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.

(23) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (AQF level 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunks at all times;
 - (ii) Tree trunk/s and/or major branches, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs

to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.

- (c) Young street trees shall be protection by installing three (3) wooden takes 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.
- (d) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (e) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within in any area known to, or suspected of having street tree roots greater than 40mm diameter must be undertaken by hand.
- (g) Any trenching works for services / hydraulics / drainage etc. must not be undertaken within 4 metres of any street tree. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) All work undertaken within 4 metres of any street tree 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)
- (j) Any damage sustained to street tree/s as a result of construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer 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 the Environmental Planning and Assessment Act 1979.

(24) STREET TREE PRUNING

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.

- (b) Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

(25) 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 installation of temporary scaffolding/hoarding within the TPZ of any tree to be retained.
 - (iv) During construction of the basement within the TPZ of any tree to be retained.
 - (v) During construction of the new driveway crossover on Dunning Avenue.
 - (vi) During any excavation and trenching which has been approved by Council within the TPZ of any tree to be retained;
 - (vii) 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) Monthly 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 issuing of the Occupation Certificate.

(26) TREES - STORMWATER AND DRAINAGE

- (a) Any trenching works for services / hydraulics / drainage etc. must not be undertaken within a Tree Protection Zone (TPZ), and be referred to the Site Arborist with regard to tree protection, prior to commencement of any works.
- (b) Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services adjacent to the specified TPZ.

(27) TREE PRUNING

- (a) A 'Pruning Specification Report' prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to the issuing of the Construction Certificate. The report must include:
 - (i) Number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed.
 - (ii) Photos with individual branches which are recommended for pruning/removal to be clearly marked. (Please note reports which include photos with a single vertical line as the area recommended for pruning will not be accepted).
 - (iii) A maximum of 10% 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) If the 'Pruning Specification Report' recommends pruning that exceeds 10% canopy removal and removal of branches greater than 100mm diameter, the design of the must be modified to ensure that these limits are not exceeded and the trees remain viable in the long term.
- (c) 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.
- (d) 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.

(28) EXPLORATORY ROOT INVESTIGATIONS REPORT

- (a) A 'Exploratory Root Investigation Report' prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by Council's

Area Planning Manager prior to the issuing of the Construction Certificate. The report must include;

- (i) Assessment and discussion of any proposed excavation within the setback zones of trees, including non-destructive exploratory root investigation where required in accordance with AS4970:2009.
- (ii) Non-destructive excavation shall be undertaken using methods which are sensitive to tree roots, such as the use of hand tools, vacuum excavation, an 'air spade' or similar, to gently remove the soil and expose the existing tree roots where construction activities are likely to impact them, or where root pruning is required to achieve the proposed development design.
- (iii) Labelled photos of the roots must be provided, and the assessment of roots encountered must include their number, diameter, direction of growth, likely structural role, and potential for pruning.
- (iv) No roots over 40mm will be permitted for removal.
- (v) Recommendations of any design modifications, construction techniques and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition and construction works, and into the long term.
- (vi) Any other works that must be prohibited throughout construction and development on site.
- (vii) NOTE: particular attention must be paid to the existing soil levels, required development levels to integrate to the existing building, and the required tree protection measures.
- (viii) If the above root investigations identify that any trees will no longer be viable, the design must be modified accordingly, and a section 4.55 modification submitted to amend the development accordingly.

(29) SITE WIDE MANAGEMENT CONDITIONS

Submit a site wide management plan for the landscape including, 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. The plan is to demonstrate who is responsible for and how the landscape features will be installed, costs and responsibility of ongoing maintenance of the landscaping.

(30) ADVANCE TREE PLANTING

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of any Occupancy Certificate.

- (a) The trees must be a minimum container size of 100 litres and height 2 metres, at the time of planting;

- (d) The tree must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (f) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (g) Written confirmation is to be obtained from Council that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (i) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.
- (j) Upon receipt and acceptance that all replacement tree planting/s have been completed to Council's satisfaction, an occupancy certificate can be issued.

(31) STREET TREE PLANTING AND MAINTENANCE

- (a) Additional street trees are required to be added in areas where the existing driveways are removed.
- (b) A Public Domain Plan must be submitted and approved by Council's Area Planning Manager or Public Domain team prior to the issuing of any Construction Certificate. The plan must include:
 - (i) Tree species shall be consistent with the City's Street Tree Master Plan (Refer to relevant precinct plans). Species substitutes will not be accepted;
 - (ii) Street trees must be located and planted in accordance with the City's Street Tree Master Plan (Technical Guidelines).
- (c) The design must include continuous trenches and improved soil.
- (d) The trees must be a minimum container size of 100 litres with a height of 2 metres, at the time of planting;
- (e) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' at the time of planting.
- (f) Certification from the tree supplier must be submitted to Council's Tree Management Officer, prior to the trees being planted 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.
- (g) The street trees must be planted:
 - (i) (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) (ii) before the issuing of the final Occupation Certificate.
- (h) All new street trees must be inspected by Council's Tree Management Officer, before and after planting.

- (i) 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.
- (j) 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.
- (k) 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.

(32) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the development (Levels 1 to 7 in Buildings 1, 2 and 3) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) A Restriction on the Use of Land is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation as defined in *Sydney Local Environmental Plan 2012*. The Restriction 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) Any strata subdivision of the site is to include a Restriction on the Use of Land pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all residential lots in the strata plan in the same terms as outlined in (a) above.
- (d) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (e) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(33) RESTRICTION ON USE OF CAR SPACES & STORAGE SPACES

The following conditions apply to car parking:

- (a) The on-site car parking spaces and storage spaces are not to be used other than by an occupant, resident or tenant of the subject buildings for parking of vehicles or storage of items related to the residential unit or

tenancy with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

- (b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary Restriction on the Use of Land is to be registered on the Title of the development site pursuant to Section 88B or 88E of the *Conveyancing Act 1919*, to the effect of (a), above. The Restriction is to be created appurtenant to Council, at no cost to Council.
- (c) Any strata subdivision of the site is to include a Restriction on the Use of Land pursuant to Section 63 of the *Strata Schemes Development Act, 2015* so burdening all utility car parking allotments and storage allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots and storage part lots in the strata plan.

(34) 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.

(35) 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.

(36) ALLOCATION OF PARKING

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

Car Parking Type	Number
Residential spaces	96
Accessible residential spaces [C]	22
Residential visitor spaces	12
Accessible residential visitor spaces [C]	1
Subtotal	Maximum of 131
Motorcycle parking [A]	Maximum of 13
Car share parking	2
Service vehicle spaces	1
Medium Rigid Vehicle loading dock(s) – can also accommodate a Council Waste vehicle [B]	1
Total	

Notes:

- a. Number of motorcycle spaces refers to dimensions of 1.2m x 2.5m per Australian Standards. Alternatively the proponent may provide standard car spaces marked as motorcycle spaces (dimensions of 2.4m x 5.4m per Australian Standards). In this case a maximum of 3 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. Accessible Parking spaces to meet the Australian Standards AS/NZS 2890.6 including having the shared area located adjacent to the space.

(37) 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.

(38) 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".

(39) 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	49	Spaces must be Class 2 bicycle facilities
Residential	95	Spaces must be Class 1 or Class 2 bicycle facilities
Residential visitor	15	Spaces must be Class 3 bicycle facilities

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) *Councils DCP* section 3.11.3 including;
- a. 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;
- b. Section 3.11.3 (6b), clearly identified by signage and
- c. 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.

The details must be submitted to and approved by Council prior to any Construction Certificate being issued.

(40) 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 changes 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: The applicant should contact Council's Area Traffic Engineer to discuss the proposal before making a submission.

(41) 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.

(42) SECURITY GATES

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

(43) INTERCOM FOR VISITORS

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

(44) 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-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(45) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY

All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

(46) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be **permanently displayed and located** in prominent places such as at display apartments and on all directory boards or notice boards, where they can

easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times **by the Owners of the building**.

(47) 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.

(48) 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.

(49) TRAFFIC WORKS

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

SCHEDULE 1B

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

(50) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

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

For internal residential and commercial amenity only

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

(51) 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 Acoustic Logic dated 10 April 2019, ref 20181685.1/1004A/R1/GW titled DA Environmental Noise Assessment, Council Ref (2019/196229) 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 accredited certifier.

- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier 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.

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

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

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

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

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g)

Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.(h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(53) 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 2017* and the NSW Government and SafeWork NSW 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.

(54) CLASSIFICATION OF WASTE

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

(55) Construction - ENVIRONMENTAL MANAGEMENT PLAN

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

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

(56) 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 must 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.

(57) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Environmental Investigations Australia dated 10 April 2019, EIAustralia, Revision 3 (the RAP) (TRIM 2019/196194) and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Julie Evans of Envirocene dated 10 January 2020 and reference E010.

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 including during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination including any required revisions to the RAP following demolition of the buildings and further investigations as recommended by the Site Auditor **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.

(58) FURTHER INVESTIGATION

- (a) In accordance with the submitted interim letter of *advice* (Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor Julie Evans of Envirocene dated 10 January 2020 and reference), the following must be undertaken
 - (i) Stage 1 Additional investigations to be completed following demolition of the buildings on site must be completed prior to bulk earthworks being undertaken for redevelopment of the site. The investigations must address, but not be limited to:- Updated site history to include outstanding council records and Safework NSW records (dangerous goods licencing);
 - (ii) -Review of potential contaminants of concern for dye works (including PFAS) and inclusion of an appropriate sampling and analysis program to address them;

- (iii) Contingency to delineate the depth of hydrocarbon impact (i.e. sampling below 5mbgl);
 - (iv) Full characterisation of fill material in areas where refusal was encountered during the initial investigations. This will require removal of a second concrete slab under the existing buildings.
 - (v) Use of test pits to characterise fill material, to facilitate visual inspection for the presence of asbestos containing material (ACM).
- (b) The results of the investigations must be reported and (if required) the RAP revised prior to stage 2 commencing. The reporting from Stage 1 must be endorsed by a NSW EPA accredited site auditor.
 - (c) Stage 2 Remedial excavations to be completed in conjunction with the basement excavation work. Final validation must include areas to be retained as deep soil zones outside the basement area.
 - (d) If these investigations change the proposed remedial approach, being bulk excavation and offsite disposal this must be approved in writing by the Site Auditor and Council's Area Planning Manager prior to the commencement of such work.

(59) NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN

The site is to be remediated such that no long term environmental management plan is required.

(60) NOTIFICATION – NEW CONTAMINATION EVIDENCE

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

(61) SITE AUDIT STATEMENT

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

hbapplications@cityofsydney.nsw.gov.au

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 Unit 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*).

(62) 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 Team.
- (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

(63) 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).

(64) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02)

6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au.

(65) COOKING EQUIPMENT – NO MECHANICAL VENTILATION

- (a) Cooking must not commence until an air handling system, which complies with the requirements of Part F4.12 of the Building Code Australia and *AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings* is approved, installed and operational.

Cooking is defined as the process of changing any food from raw to cooked by applying heat, and also includes the preparation of food using heat.

- (b) Use of a microwave, a sandwich press, a toaster or similar is permitted in accordance with the exemptions contained within *AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*.
- (c) The use of such equipment in (b) of this condition must not generate heated air, smoke, fumes, steam or grease vapours that is deemed by an enforcement and/or authorised officer of Council to be:
- (i) Causing a nuisance to persons within or nearby the premises and/or building;
 - (ii) Causing air pollution as defined under the *Protection of the Environment Operations Act 1997* or,
 - (iii) Not effectively removed from the food premises in accordance with the requirements of the *Australia New Zealand Food Standards Code*.

(66) FOOD PREMISES – DETAILED PLANS

- (a) Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment* under the *Food Act 2003* and *AS 4674 - Design, Construction and Fit-out of Food Premises*.
- (b) Prior to the issue of a Construction Certificate the plans required by (a) of this condition must be submitted to and approved in writing by the Accredited Certifier.

(67) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

- (a) The use shall not commence until the food business has notified Council with their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*.

- (b) An Occupation Certificate must not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

(68) SANITARY FACILITIES – FOOD PREMISES

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

(69) TOILETS FOR FOOD HANDLERS

- (a) Adequate toilet facilities must be available for food handlers working for the food business. Toilets and associated facilities must be provided in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code, 3.2.3 - Food Premises and Equipment*.
- (b) Details of the location of toilets which are provided exclusively for the use of food handlers and staff working at the business must be submitted for the approval of the Accredited Certifier prior to the issue of a Construction Certificate.
- (c) The toilet(s) must be provided with a hand wash basin, with hot and cold running water mixed through a common spout, hand wash soap, hygienic hand drying facilities and hands-free taps.

(70) WASTE STORAGE AREA

- (a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises*, *Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the Council Policy for Waste Minimisation in New Developments, and must be:
 - (i) Provided with a hose tap connected to the water supply.
 - (ii) Paved with impervious floor materials.
 - (iii) Coved at the intersection of the floor and walls.
 - (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance.

- (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.
 - (vii) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
 - (viii) Appropriately managed so that it does not attract pests or create litter.
- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of any Occupation Certificate.

(71) 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 Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings*.

(72) 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.

(73) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - 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 AS1668.2 - 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 and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

(74) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(75) 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.

(76) 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).

(77) 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*.

(78) 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.

- a (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to 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.

(79) PUBLIC DOMAIN LIGHTING

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:
 - (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(80) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, , a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the

constructed public domain works must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

(81) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, a detailed engineering design for drainage including calculations and design for the stormwater overland flow path for the development must be that use a hydrograph producing model for storm water runoff a hydraulic model for capacity calculations:
 - (i) Prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater caters for the 5% AEP generated storm and demonstrate that the Council storm water system is capable of coping with the specified permissible site discharge.
 - (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 Certifier.
- (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 for 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 Certifier prior to any Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.

- (ii) Prior to the issue of any Occupation Certificate, including any 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 Certifier.

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.

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) 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.
- (F) Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):
- (i) A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifier;
 - (ii) A Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifier. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;
 - (iii) A Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifier;
 - (iv) Evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifier;
 - (v) The Principal Certifier must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

(82) 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.

(83) 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.

(84) 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 the total securities will be released.

(85) 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 the submission of the 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.

(86) 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 prior to a Construction Certificate being issued.

(87) 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 SafeWork NSW.
- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
- (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 SafeWork NSW 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.

(88) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic surveys of 5-11 Mentmore Avenue, 1-3

Dunning Avenue and 17-19 Dunning Avenue 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 Accredited 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 any 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.

(89) FLASHINGS TO BOUNDARY WALLS

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

(90) STRUCTURAL CERTIFICATION FOR PARTY WALLS AND MENTMORE HOUSE

Prior to a Construction Certificate being issued, a certificate from a qualified practising structural engineer in accordance with Clause A5.2(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of Council (where Council is the Accredited Certifier). The Certificate must verify the structural integrity of the existing 'Party Wall(s)' and Mentmore House as consequence of the proposed development.

(91) SITES IN THE VICINITY OF A HERITAGE ITEM – MAJOR DEVELOPMENT

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate. The Strategy is to detail how the proposed works will ensure that the buildings at 5-11 Mentmore Avenue (Mentmore House) are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally the protection strategy is to include:

- (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
- (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
- (iii) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
- (iv) Details of the proposed protection of party walls from damp and water ingress during the works.

(92) 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.

(93) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

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

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.
- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.

- (c) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (d) The report is to be submitted on a USB, CD or DVD, in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and data photograph was taken.
- (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

(94) LAND SUBDIVISION

Any proposal to subdivide the site, including any stratum subdivision of the buildings, will require a separate application to Council to obtain development consent for the proposal and subsequent issue of the Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

(95) STRATA SUBDIVISION

Any proposal for strata subdivision of the site will require development consent and therefore the lodgment 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*.

(96) 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.

(97) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Accredited 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.

(98) 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.

(99) EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building including attachments must comply with the relevant requirements of the Building Code of Australia (BCA). Prior to the issue of a Construction Certificate and Occupation Certificate the Accredited Certifier and 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 BCA; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

(100) 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).

(101) PHYSICAL MODELS

- (a) Prior to the issue of any Occupation Certificate 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:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application->

[guide/application-process/model-requirements](#) Council's modellers must be consulted prior to construction of the model.

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

(102) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to any 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.

(103) SYDNEY AIRPORT CORPORATION APPROVAL

An approval for the proposed height of the development shall be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior to the issue of a Construction Certificate.

(104) PUBLIC ART

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

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.

Final details of the proposed public artwork must be submitted to and approved by Council's Area Coordinator Planning Assessment/Area Planning Manager prior to issue of any Construction Certificate for above ground works.

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.

(105) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) The development must comply with the Operational Waste Management Plan, report number S0100063, revision G, prepared by Elephants Foot Recycling Solutions and dated 8 November 2019.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Guidelines for Waste Management in New Developments 2018*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to any 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.

(106) 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 any 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*.

(107) WASTE/RECYCLING COLLECTION

- (a) The collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

(108) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to any 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.

(109) TELECOMMUNICATIONS PROVISIONS

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

(110) 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.

SCHEDULE 1C

CONDITIONS FROM EXTERNAL STAKEHOLDERS

Please note, this condition excludes GTAs, which are included in schedule 3

(111) RMS - CARPARK LAYOUT

- a 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 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

(112) RMS – SIGHT DISTANCES

- a Sight distances from the proposed vehicular crossings to vehicles on Dunning Avenue are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

(113) RMS – PARKING ONSITE

Parking for building maintenance and removalists is to be provided on site.

(114) RMS – SWEPT PATHS

The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

(115) RMS – PEDESTRIAN MOVEMENTS

The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

(116) RMS – CONSTRUCTION PEDESTRIAN TRAFFIC MANAGEMENT PLAN

A Construction Pedestrian Traffic Management Plan (CPTMP) should be submitted in consultation with the TfNSW Sydney Coordination Office (SCO), Roads and Maritime, and City of Sydney Council, prior to the issue of a Construction Certificate. The CPTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, taking into consideration the cumulative traffic impacts of other developments in the area.

(117) AUSGRID – CONDUIT INSTALLATION

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

(118) AUSGRID – STREET LIGHTING

- (a) The developer is to consider the impact that existing street lighting and any future replacement street lighting and maintenance may have on the development. Should the developer determine that any existing street lighting may impact the development, the developers should review the development design, particularly the placement of windows, or discuss with Ausgrid the options for relocating street lighting. The relocating of any street lighting will generally be at the developers cost. In many cases it is not possible to relocate street lighting due to its strategic positioning.

(119) AUSGRID – PROXIMITY TO EXISTING NETWORK ASSETS – UNDERGROUND CABLES

- (a) There are existing transmission cables in the middle of the road.
- (b) Special care should also be taken to ensure that the driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath.
- (c) Ausgrid cannot guarantee the depth of the 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.
- (d) Should ground anchors be required in the vicinity of 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.
- (e) Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

SCHEDULE 1D

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(120) 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.

(121) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

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

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

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

(122) 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.

These must ensure that the street trees and trees on site which are to remain during the course of the development are protected and not adversely impacted by the access driveways.

(123) EASEMENT FOR PUBLIC ACCESS

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title of the development site. The Easement is to be defined over the strip of land, of nominal width of 6m, extending from the eastern alignment of Dunning Avenue to the western alignment of Mentmore Avenue, generally over the paved walkway as shown on the approved plans for the development. The Easement is to be consistent with the Easement for Public Access referred to in and outlined in the Voluntary Planning Agreement for the site and is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction,
- (b) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Easement for Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep and repair of the Easement for Public Access in accordance with Council's requirements and to the satisfaction of Council.

(124) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate;
- (d) if the discovery is on Council's land, Council must be informed.

(125) BASIX

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

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

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

(127) 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.

(128) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of 9.30am to 1pm and 2pm to 4.30pm Mondays to Fridays and 9.30am to 1.30pm Saturdays.
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

(129) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(130) 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.

(131) 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.

(132) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

(133) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

(134) 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.

(135) 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.

(136) 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.

(137) RAINWATER HARVESTING & RAINWATER TANKS

- (a) Use

Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.

- (b) Installation requirements

All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500:2003. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.

Rainwater tanks shall be designed to include, but not be limited to the following:-

- (i) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
- (ii) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
- (iii) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
- (iv) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (v) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (vi) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall

have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.

- (vii) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (viii) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

Rainwater tanks that are not directly connected with the potable supply, the indirect connection shall be by means of a visible "air gap" external to the rainwater tank, in accordance with the provisions of the National Plumbing Code AS /NZS 3500 - Minimum air gap requirements.

Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.

- (ix) Water pumps are to be located so as not causing an "offensive noise" as defined by the *Protection of the Environment Operations Act 1997* to any affected receiver.

(c) Proximity to other services

All rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe

(d) Marking and labelling

- (i) Above ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled 'RAINWATER' made in accordance with AS 1345 can be used.
- (ii) Below ground distribution pipes shall be continuously marked 'RAINWATER' at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.
- (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

(e) Maintenance

- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.
- (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

(138) STREET NUMBERING – MAJOR DEVELOPMENT

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

(139) 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 any Occupation Certificate or subdivision/strata certificate being issued.

(140) 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 and Section 138 of the Roads Act 1993 must be obtained.

(141) 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.

(142) 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 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:

- (A) 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.
- (B) 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.
- (C) 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.
- (D) 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).
- (E) 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.

IMPORTANT ADDITIONAL INFORMATION

Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.
2. The State Government has commenced planning for the construction of the CBD South East Light Rail (CSELR). You may need to consider the potential impacts of this project in programming your development. The CSELR route includes Alfred St, George St, Rawson Place, Eddy Ave, Chalmers St, and Devonshire St. For construction and programming information contact the Transport for NSW Infoline on 1800 684 490 or www.transport.nsw.gov.au/projects.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. **Note: it is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to the link below for any further information about digital requirements and electronic files.**

<http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/digital-requirements>.
3. Nominate a **Principal Certifier** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

6. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
 - (a) installation of hoardings/scaffolding;
 - (b) installation and/or alterations to advertising/business signs and street awnings;
 - (c) crane operation and other hoisting activities;
 - (d) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
 - (e) works zone (for loading and unloading from the roadway); and
 - (f) temporary ground anchoring and shoring to support a roadway when excavating.

Application forms are available on the City's website.

7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to www.sydneywater.com.au.
10. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

Applications and submissions referred to in this consent may be lodged at:

CBD Level 2, Town Hall House, 456 Kent St, Sydney.

KINGS CROSS 50-52 Darlinghurst Rd, Kings Cross.

GLEBE Customer Service Centre, 186 Glebe Point Rd, Glebe.

If you have any enquiries on any aspect of this consent, contact Erin Faulkner ph. 02 9265 9342, email efaulkner@cityofsydney.nsw.gov.au.