

Attachment F

Amended Concept Conditions of Consent

CONDITIONS OF CONSENT

PART A - DEFERRED COMMENCEMENT CONDITIONS

SCHEDULE 1

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

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and RALPH TA PTY LIMITED, BR ALEXANDRIA PTY LIMITED and RALPH NA PTY LIMITED, that delivers public benefits associated with the approved development, shall be executed and submitted to Council; and
 - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
 - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.
- (B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (D) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

(Deferred commencement conditions satisfied on 9 June 2020)

PART B – CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS

(1) STAGED DEVELOPMENT APPLICATION

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

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/684 dated 28 June 2019 and the following drawings prepared by Smith & Tzannes:

Drawing Number	Drawing Name	Date
DA-U-100, C	Basement Envelope Plan	18/03/2020
DA-U-101, D	Ground & Above Envelope Plan	18/03/2020
DA-U-200	Envelope Elevations 1	17/02/2020
DA-U-201	Envelope Elevations 2	17/02/2020

and as amended by the conditions of this consent.

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

(3) MATTERS NOT APPROVED

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

- (a) any demolition, excavation and/or construction;
- (b) the layout and number of residential apartments or non-residential tenancies;
- (c) the depth, extent, number, layout and design of basement levels and/or the configuration of car parking;
- (d) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (e) the precise quantum of floor space; and
- (f) up to 10% design excellence uplift in floor space ratio.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with deferred commencement condition (1) at Part A of this consent are to be complied with.

(5) DESIGN MODIFICATIONS – ENVELOPE DRAWINGS

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

- (a) envelope drawings are to accurately indicate the street tree canopy spreads as shown at Appendix H of the Arboricultural Impact Assessment Report (the AIA report) prepared by Urban Tree Management (UTM) dated 17 March 2020;
- (b) upper levels of the envelope fronting Ralph Street are to be set back a minimum of 3m from the boundary with Ralph Street and a minimum of 1.5m from the canopies of street trees in Ralph Street as shown at Appendix H of the Arboricultural Impact Assessment Report (the AIA report), as annotated in red on the stamped approved plans. Certification is to be provided by an AQF5 consulting arborist to confirm that the upper levels of the envelope have been set back by at least 1.5m from street tree canopies in accordance with this condition;
- (c) the basement envelope plan is to be setback 1.4m from the boundary with Botany Road, as annotated in red on the stamped approved plans;
- (d) the approved vehicle access location via the existing south-western crossover to Ralph Street is to be indicated on the envelope plan DA-U-101, as annotated in red on the stamped approved plans;
- (e) the basement excavation is to be set back a minimum of one metre from the foundations of the retained building, which may be varied subject to the applicant demonstrating that there is a sufficient setback for full retention of the structure and the structural integrity of the building.

The modifications and certification are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the commencement of any competitive design process for the site.

(6) DESIGN MODIFICATIONS – LANDSCAPE STRATEGY PLAN

The drawing titled Landscape Strategy Plan, Revision D, prepared by NBRS Architecture and dated 18.03.2020 must be modified as follows:

- (a) any images that have been included in the Landscape Strategy Plan that show part of the reference scheme must be deleted and replaced with suitable drawings showing the outline of the envelope only and which are to be based on the stamped approved envelope drawings as modified by the DESIGN MODIFICATIONS – ENVELOPE DRAWINGS condition above;
- (b) a target of providing at least 15% canopy coverage of the site within 10 years from the completion of development, is to be notated on the Landscape Strategy Plan;

- (c) design principles for the through site link (TSL) are to be modified to include that:
 - (i) at least 560sqm of deep soil is to be provided in the TSL;
 - (ii) the landscape treatment of the TSL is to maximise filtration of rainwater into the ground;
 - (iii) it is to accommodate large tree plantings;
 - (iv) it is to be designed to facilitate its use as a pedestrian connection between Botany Road and Ralph Street; and
 - (v) it is to address CPTED and safety concerns for users of the TSL.

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

(7) ENVELOPE HEIGHT

The merits of any rooftop elements are to be assessed as part of any future detailed design development application. With the exception of lift overruns, fire stairs, plant, pergolas, architectural roof features, the maximum height of future buildings must not exceed the following envelope height:

~~***In accordance with the stamped approved plans as modified by the DESIGN MODIFICATIONS — ENVELOPE DRAWINGS condition above, the height of the envelope must not exceed:***~~

- (a) RL 33,681 (AHD) at its north-eastern corner;
- (b) RL 33,664 (AHD) at its southern corner;
- (c) RL 33,513 (AHD) at its north-western corner adjacent to the interwar functionalist building on Ralph Street; and
- (d) RL 33,203 (AHD) at its northern corner.

(Condition amended - D/2019/684/B - 3 November 2021)

(8) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio (FSR) of development contained within the site must not exceed the maximum permitted FSR calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding (a) above, the development contained within the site may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the subsequent DA for the detailed design of the building exhibits design excellence and is the result of a competitive design process.

(9) DISTRIBUTION OF FLOOR SPACE WITHIN ENVELOPES

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

(10) LOCATION OF RESIDENTIAL APARTMENTS

No residential apartments are approved at the ground level of the building. Residential apartments must not be provided below the first level above ground (at a minimum height of RL 15.10).

(11) COMPETITIVE DESIGN PROCESS

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

- (a) conducted in accordance with the Design Excellence Strategy for 634 Botany Road and 45-47 Ralph Street, Alexandria, dated March 2020, and prepared by Sutherland & Associates Planning on behalf of Lateral Estate; and
- (b) conducted prior to the lodgement of a subsequent DA for the detailed design of the building to be contained within the site.

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

(12) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with any subsequent DA for the detailed design of the building to confirm that the development has adopted the following proposed ESD targets specified in the Design Excellence Strategy referred to in the COMPETITIVE DESIGN PROCESS condition above:

- (a) a BASIX energy score that exceeds the state mandated minimum target by 5 points; and
- (b) roof-top solar PV at approximately 0.5 kWp per dwelling.

Any BASIX certificates generated for any subsequent DA for the detailed design of the building must include the relevant photovoltaic system size (expressed numerically in kilowatt peak capacity i.e. 'kWp').

The ESD targets are to be carried through the competition phase, design development, construction, to completion of the project.

(13) DETAILED DESIGN OF THE BUILDING

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

- (a) it is to establish a sympathetic relationship with the interwar functionalist building that is to be retained
- (b) investigate opportunities for common open space to be provided in an area or areas of a useable size and configuration, directly and equitably accessed from common circulation areas, entries and lobbies, and designed so that the principal common open space area or areas achieve minimum solar access requirements as stated at provision 4.2.3.8 of the Sydney DCP 2012;
- (c) investigate opportunities for interpretation of the site's industrial past, including salvage and re-use of the overhead gantry crane currently contained within the building at 634 Botany Road;
- (d) investigate how built form massing and the design of apartments located closest to the south-western side boundary could be modified to improve solar access to neighbouring apartments that are affected by overshadowing;
- (e) a continuous footpath awning is to be provided to the building's Botany Road frontage and awnings are to be provided over building entries elsewhere;
- (f) building facades are to incorporate a variety of materials and finishes and use a proportion of solid surfaces, preferably masonry material;
- (g) rooftop structures such as plant rooms, solar panels, air conditioning and ventilation systems are to be incorporated into the design of the building and concealed within the roof form or located within a well-designed, integrated roof top element.

(14) PUBLIC ART

- (a) The Draft Preliminary Art Plan prepared by Guppy Associates Art Management and dated 20th June 2019, V2, has not been approved by this consent.
- (b) The Draft Preliminary Art Plan must be modified to specify an increased public art budget commensurate with the scale and nature of the approved development. ~~The modifications must be and submitted to and approved by Council's Area Planning Manager prior to the commencement of any competitive design process as part of any subsequent DA for the detailed design of the building.~~
- ~~(c) A Public Art Proposal procured in accordance with the approved Preliminary Art Plan must be submitted as part of any subsequent DA for the detailed design of the building.~~

Modified by D/2019/684/A – 16 July 2020

(15) STREET TREES AND DETAILED DESIGN APPLICATION

Any subsequent DA for the detailed design of the building must:

- (a) allow for all street trees surrounding the site to be retained;

- (b) set back any design elements (awnings, footpath upgrades etc.) within the public domain from street trees to allow the tree to grow to its full potential height and canopy spread;
- (c) locate any OSD tank and associated structures and services so that they are not within the structural root zones of trees identified for retention in the AIA report, prepared by Urban Tree Management (UTM) and dated 17 March 2020.

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

- (a) Prior to the commencement of any competitive design process for the site, an accurate 1:1 electronic CAD model of the envelope approved by this consent (and as modified by the DESIGN MODIFICATIONS condition above) must be submitted to and approved by Council's City Model officers.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) envelope design above in accordance with the development consent;
 - (ii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C. The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.
- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/applicationguide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all the conditions of the Development Consent.

SCHEDULE 1B

(17) RESIDENTIAL LAND USE

- (a) The residential component of the development must be designed to comply with the principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, the guidelines of the Apartment Design Guide (the ADG), and the provisions of the Sydney DCP 2012, with particular attention to the following matters:
- (i) ADG objectives 2F Building separation and 3F-1 Visual privacy;
 - (ii) ADG objective 3B-2 Overshadowing of neighbouring buildings - with overshadowing impacts to neighbouring residential apartments quantified and tabulated in terms of the duration of solar access received by affected apartments, in 15 minute increments, under existing and proposed conditions in the City's Minimising overshadowing of neighbouring apartments: Excel data tables (draft);
 - (iii) ADG objective 4B-1 Natural ventilation;
 - (iv) ADG objective 4F-1 Common circulation and spaces – the detailed design of the building is to comply with the maximum number of apartments off a circulation core on a single level and is to provide daylight and natural ventilation to common circulation spaces;
 - (v) ADG objective 4J Noise and pollution – with noise and natural ventilation addressed through siting and layout, facade treatment and design and lastly through attenuated passive ventilation devices;
 - (vi) DCP provision 3.2.3 Active frontages – with active frontages to be provided to the Botany Road frontage;
 - (vii) DCP provision 3.2.4 Footpath awnings – with a continuous awning to be provided to the Botany Road frontage;
 - (viii) DCP provision 4.2.3.8 Amenity - Common open space – as it pertains to solar access to the principal useable common open space areas;
 - (ix) DCP provision 4.2.3.10 Amenity – Acoustic privacy – as it pertains to the achievement of internal noise criteria for apartments facing the site's Ralph Street frontage, south-west and north-eastern elevations;
 - (x) DCP provision 4.2.3.12 Amenity - Flexible housing and dwelling mix; and
 - (xi) DCP provision 5.8.2.5.1 Development – Landscaping (deep soil).
- (b) A BASIX certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX)

2004 must be submitted with any subsequent DA for the detailed design of the building.

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

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

- (a) Gross floor area (GFA) schedules and diagrams for the existing and proposed development for the purposes of calculating section 7.11 contributions and credits;
- (b) Total floor area (TFA) schedules and diagrams for the proposed development for the purposes of calculating affordable housing contributions. Note: TFA is defined at clause 7.13 of the Sydney Local Environmental Plan 2012.

(19) DETAILED LANDSCAPE PLAN

- (a) Any subsequent DA for the detailed design of the building must include a detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer. The plan must include:
 - (i) All recommendations, Tree Protection, and Methodology Statements contained in the approved Arboricultural Impact Assessment Report (the AIA report) prepared by Urban Tree Management (UTM) dated 17 March 2020;
 - (ii) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (iii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iv) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standard;
 - (v) A minimum 15% canopy cover across the site, provided by trees that will reach a minimum height of eight metres;
 - (vi) A minimum of 10% deep soil across the site;
 - (vii) A minimum of 21 trees must be included in the design. The tree species must be a minimum mature height of eight metres and canopy spread of five metres. Palms, fruit trees and species recognised to have a short life span will not be accepted;
 - (viii) Tree selection shall include a diverse range of species which must be consistent with the expected mature heights and growth within the Sydney area;

- (ix) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting;
 - (x) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
 - (xi) Details of planting procedure and maintenance;
 - (xii) Details of drainage, waterproofing and watering systems.
- (b) The detailed landscape plan must address the requirements of provisions 4.2.3.5 and 5.8.7.4 of the Sydney DCP 2012 and the relevant guidance provided in the City of Sydney Landscape Code, Volume 2, All Development Except Single Dwellings.

(20) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities.

(21) 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.

(22) 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.

(23) SERVICE VEHICLE ACCESS

As part of the Stage 2 application, details are to be provided as to how the servicing of the site will occur, especially between buildings with consolidated basements. Details to include all service type including waste collection, retail deliveries and residential removalist trucks.

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:

- (a) a 9.25m Council garbage truck and a small rigid delivery vehicle;
- (b) 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;

- (c) 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;
- (d) 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;
- (e) a minimum driveway width of 3.6m; and
- (f) a minimum turning circle radius of 10.5m.

(24) CAR SHARE SPACES

- (a) Any car park plan submitted as part of the subsequent DA for the detailed design of the building must include the provision of parking spaces for the exclusive use of car share scheme vehicles.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.

(25) BICYCLE PARKING AND END OF TRIP FACILITIES

The subsequent DA for the detailed design of the building must include a Bicycle Parking Plan and End of Trip Facilities to be provided in accordance with DCP Section 3.11.3. The layout, design and security of bicycle facilities must also comply with the minimum requirements of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities and 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation' document.

(26) ACOUSTIC REPORT

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any subsequent DA for the detailed design of the building in accordance with the provisions of the *Sydney Local Environmental Plan 2012*, *Sydney Development Control Plan 2012*, the NSW Government's *Development near Rail Corridors and Busy Roads - Interim Guideline* and the *State Environmental Planning Policy (Infrastructure) 2007*.

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

Any subsequent DA for the detailed design of the building must include a site-specific demolition, excavation and construction noise and vibration management plan.

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

(28) LAND CONTAMINATION

- (a) Any subsequent DA for the detailed design of the building must include reports and documentation to address the requirements of State Environmental Planning Policy No 55—Remediation of Land.
- (b) The relevant reports and documentation may include but are not limited to the following:
- (i) Detailed Environmental Site Assessment Report;
 - (ii) Remediation Action Plan (RAP) prepared by Remedial Action Plan, Environmental Investigations, Australia (EIA) dated 5 September 2019, reference E23179.E06Rap Rev 1 (2019/446732-12);
 - (iii) Letter of Interim Advice final RAP review no 19012, NSW Accredited Site Auditor, Tim Chambers dated 12 September 2019;
 - (iv) Site Validation Report;

- (v) Site Audit Statement (SAS); and
- (vi) Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist.

(29) ACID SULPHATE SOILS

The Acid Sulphate Soils Management Plan (ASSMP) prepared by EIA Australia and dated 5 June 2019 (ref E23179.E14_Rev 0) is considered to adequately address the requirements of clause 7.14 of the *Sydney Local Environmental Plan 2012* and may be submitted as part of any subsequent DA for the detailed design of the building.

(30) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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

(31) ADAPTABLE HOUSING

The subsequent DA for the detailed design of the building is to provide the required number of residential units that are able to be adapted for people with a disability in accordance with provision 3.12.2 of the Sydney DCP 2012, the Building Code of Australia and Australian Standard AS4299.

(32) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

The level difference between ground floor building levels and the adjacent public footpath shall not exceed 1200mm.

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

- (a) The proposed ground floor level of any retail floor space fronting Botany Road shall be set at or above the required flood planning level being the 1% AEP flood level of 12.05m AHD estimated by the Cardno site flood assessment dated 21 December 2018.
- (b) The proposed ground floor level of any retail floor space fronting Ralph Street shall be set at or above the required flood planning level being the 1% AEP flood level of 11.5m AHD estimated by the Cardno site flood assessment dated 21 December 2018.
- (c) The proposed access ramp to the basement car park off Ralph street is to have a minimum crest level of 12.0m AHD being the PMF level estimated by the Cardno site flood assessment dated 21 December 2018

Note: Detailed plans demonstrating compliance with this requirement must be submitted to and approved by Council as part of the Alignment Levels application prior to the issue of a Construction Certificate for any excavation, construction work or building works approved under any subsequent development application for the detailed design of the building.

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

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

(34) WASTE AND RECYCLING MANAGEMENT

- (a) The Waste Management Plan, Rev. B, prepared by Elephants Foot and dated 20/06/2019 submitted as part of the concept DA primarily addresses aspects of waste management during the operational phases of the development. It is insufficient and is not approved by this development consent.
- (b) Any subsequent DA for the detailed design of the building must address the requirements contained in section 3.14 and provision 4.2.6 of the Sydney DCP 2012 and the Council's Guidelines for Waste Management in New Developments 2018, including the following:
 - (i) procedures for waste management during demolition and construction phases including material storage areas for reusable materials and recyclables, estimated quantities and types of materials to be reused, recycled or removed from the site;
 - (ii) nomination of the waste collection point for the site (i.e. it must be within the property and no more than 10m from waste storage location) and meet the guidelines for dimensions for collection vehicle access;
 - (iii) identification of the path of access to be used by waste collection vehicles;
 - (iv) commercial waste and recycling receptacles must be stored in an area separated from residential waste and recycling receptacles and which prevents commercial tenants from accessing residential bins or waste rooms; and
 - (vi) that identifies dedicated space(s) for non-residential bulky waste storage.

SCHEDULE 1C

(35) DETAIL SURVEY – DETAILED DESIGN DA

The detail survey submitted with any subsequent DA for the detailed design of the building must comply with the City's survey specifications. It should be based upon a boundary survey, redefining the subject boundaries, with a note to this effect by the registered surveyor. The name and ID number of the registered surveyor that prepares the survey should also be shown.

(36) ENCROACHMENTS – PUBLIC WAY

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

SCHEDULE 1D – AUSGRID CONDITIONS

(37) SUPPLY OF ELECTRICITY

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not: The existing network can support the expected electrical load of the development; A substation may be required on-site, either a pad mount kiosk or chamber style and; site conditions or other issues that may impact on the method of supply. Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

(38) 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.

(39) STREETLIGHTING

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

(40) SERVICE MAINS

It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

(41) PROXIMITY TO EXISTING NETWORK ASSETS - OVERHEAD POWERLINES

There are existing overhead electricity network assets contained within the site at 45-47 Ralph Street, Alexandria. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this

relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

(42) PROXIMITY TO EXISTING NETWORK ASSETS - UNDERGROUND CABLES

There are existing underground electricity network assets contained within the site at 45-47 Ralph Street, Alexandria. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

(43) PROXIMITY TO EXISTING NETWORK ASSETS - SUBSTATION

There is an existing electricity substation S6207 contained within the site at 45-47 Ralph Street, Alexandria. The existing electricity chamber substation may be impacted by the proposed construction. This type of building is susceptible to damage from subsidence or vibration due to nearby excavation or piling, and due to building materials and machinery coming into contact with the facade of the building. The use of ground anchors under a substation building is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings. In addition to the above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material. The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without

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

SCHEDULE 1E – RMS CONDITIONS

1. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Botany Road boundary.
2. The developer shall be responsible for all public utility adjustment/relocation works, etc. necessitated by the above proposed work and as required by the various public utility authorities and/or their agents.
3. Traffic Report for the future development applications in the detailed stages, should including traffic modelling files for the signalised intersections along Botany Road and O’Riordan Street, depicted in the enclosed traffic report summarising generating flow related to the surrounding developments.
4. All vehicles are to enter and exit the site in a forward direction.
5. The layout of the proposed car parking areas associated with the subject development (including, driveways, swept paths, waste vehicle movements, sight distance requirements in relation to aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the Ralph Street driveway. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
6. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be developed and submitted to Council for approval prior to the issue of a Construction Certificate.
7. All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Botany Road.
8. Construction and maintenance activities shall be wholly within the private property of the site. If this is not possible Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during installation. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

SCHEDULE 1F – SYDNEY WATER CONDITIONS

1. Sydney Water Servicing

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

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

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

2. Building Plan Approval

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

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

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

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

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

3. Trade Wastewater Requirements

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

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

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

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

4. Backflow Prevention Requirements

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

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

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

Before you install a backflow prevention device:

- Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
- Conduct a site assessment to confirm the hazard rating of the property and its services.

Contact PIAS at NSW Fair Trading on 1300 889 099.

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

5. Water Efficiency Recommendations

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

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

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to

<http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>

- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

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

6. Contingency Plan Recommendations

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15 meters head at the main tap. This is equivalent to 146. Skpa or 21.29psi to meet reasonable business usage needs.

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

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

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

For further information please visit the Sydney Water website at:

<http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or
contact Business Customer Services on 1300 985 227 or
businesscustomers@sydneywater.com.au.

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

Clause 98A Erection of signs

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

Clause 98C Conditions relating to entertainment venues

Clause 98D Conditions relating to maximum capacity signage

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

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

SCHEDULE 3

TERMS OF APPROVAL

The Terms of Approval as advised by *Water NSW* are as follows.

Reference Number: IDAS1119023

Issue date of GTA: 16 January 2020

Type of Approval: Water Supply Work

Description: 80mm submersible pump

Location of work/activity: 634 Botany Road, 45-47 Ralph Street Alexandria

DA Number: D/2019/684

LGA: City Of Sydney Council

Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
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Dewatering

- | | |
|--------------|---|
| GT0062-00001 | Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. |
| GT0064-00001 | An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works. |
| GT0066-00001 | The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation. |
| GT0067-00001 | Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
a. any groundwater mounding at the edge of the structure |

shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

- GT0068-00001 Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- GT0069-00001 The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.
- GT0070-00001 Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- GT0071-00001 Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
- GT0082-00001 The Department of Planning, Industry and Environment's Water has determined that an authorisation to account for the temporary and transient impacts on groundwater systems associated with the proposed development for up to twelve months is required (to be issued by WaterNSW).
- GT0084-00001 All required monitoring and reporting arrangements are to

be designed to demonstrate the activity meets due diligence with respect to the Water Management Act 2000, the relevant water sharing plan(s) and the NSW Aquifer Interference Policy during construction and occupation phases of the building.

- GT0085-00001 At the time of application for a Construction Certificate, the developer must be able to demonstrate to the consent authority that an authorisation for the pumping of groundwater for temporary construction dewatering has been obtained for the relevant groundwater source from which water is being taken.
- GT0086-00001 At the time of application for an Occupation Certificate, the developer must be able to demonstrate to the consent authority that any unexpected groundwater pumping (resulting from poor construction methods, materials or inadequate waterproofing) has been authorised by a water access licence purchased for the relevant groundwater source from which water is being taken and must be able to demonstrate no impact on neighbouring sites or the integrity of the aquifer.
- GT0087-00001 A Site Hydrogeology Report prepared and certified by a qualified, experienced and practising hydrogeologist must be provided with the authorisation application that includes, but is not limited to, the following: a. pre-development (existing) conditions in the form of a baseline monitoring record and comprehensive groundwater system description: i. site and neighbouring area stratigraphy, formation description, site groundwater levels, groundwater flow paths, site aquifer and aquitard (if relevant) hydraulic characterisation ii. groundwater quality and specific consideration of groundwater potentially affected by contamination from surrounding land uses or acid sulfate soils where they are found to exist iii. neighbouring users, groundwater dependent ecosystems, water bodies and other relevant features within a one kilometre radius of the subject site iv. the above site information must not date more than six months prior to the date of lodgement of the development application to account for climate trends and maintain the currency of groundwater data b. excavation phase (during dewatering), in the form of a comprehensive impact prediction description as well as a monitoring and management strategy (the latter equivalent to the requirements for a Dewatering Management Plan): i. predicted groundwater modelling impacts (extent, magnitude and duration) that are developed through suitable methods comprising either;  numerical modelling in high risk areas  analytical solutions in low risk areas ii. corresponding trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts iii. construction techniques and approaches that will be used to prevent any ongoing

groundwater pumping at the same time as not causing any obstruction to natural groundwater behaviour iv. details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping) v. where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to Council (Note while it is the Proponent's responsibility to identify the risk, the Department recommends that Council enforce this requirement for all applications in all high risk areas which includes sand formations or other unconsolidated ground). 10 Valentine Avenue Parramatta 2150 | Locked Bag 5123 Parramatta 2124 | dpie.nsw.gov.au | 4 c. post-excavation phase (during aboveground construction) in the form of a comprehensive post-dewatering impact review (equivalent to the requirements for a a Dewatering Completion Report): i. collation of monitoring records, ii. analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed, iii. magnitude and extent of potential long-term effects from the completed structure iv. arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority d. occupational phase (after building completion) in the form of an annual groundwater monitoring plan: i. monthly monitoring to demonstrate the magnitude of groundwater pumping after construction, either through satisfactory photographic and documented evidence of no visible seepage into the building or, if inflows cannot be prevented, measured flow rates into all pump-out sumps ii. recording arrangements to document ongoing compliance, event-based notification of unexpected groundwater take to the relevant authority and annual reporting arrangements

GT0088-00001 All monitoring data collected for the development and all monitoring and management reports are to be provided in electronic format (tabulated and raw corrected data) to the Department of Planning, Industry and Environment & Water.

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with D/2019/684 as provided by Council:

- EI Australia- Lateral Estate- Desktop Geotechnical Study - 634 Botany Road Alexandria and 45-47 Ralph Street Alexandria, Report 23179.01- 30 May 2019
- EI Australia- Lateral Estate- Detailed Geotechnical Investigation - 634 Botany Road Alexandria and 45-47 Ralph Street Alexandria, Report E23179AA_Rev1 -28 April 2019