

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/2020/1419 dated 20 January 2021 and the following drawings prepared by Cottee Parker:

Drawing Number	Drawing Name	Date
2008, A	Basement 02 Plan	02/11/2020
2009, C	Basement 01 Plan	01/12/2021
2010, C	Floor Plan – Ground Floor_Level 01	01/12/2021
2011, C	Floor Plan – Level 02	01/12/2021
2012, C	Floor Plan – Level 03	01/12/2021
2013, C	Floor Plan – Level 04	01/12/2021
2014, C	Floor Plan – Level 05	01/12/2021
2015, D	Floor Plan – Level 06	01/12/2021
2016, D	Floor Plan – Level 07	01/12/2021
2017, D	Roof Terrace Plan	01/12/2021
2029, A	Sectional Elevations of Artwork Feature Walls	23/05/2022
3001, D	West Elevation	01/12/2021
3002, D	North Elevation	01/12/2021
3003, D	Building A2 and B – South Elevation	01/12/2021
3004, C	Building C – North Elevation	20210721
3005, D	Building C – South Elevation	01/12/2021
3006, C	East Elevation	20210721

Drawing Number	Drawing Name	Date
3007	East Elevation – Building A	Undated
3101, D	Sections	01/12/2021
3102, C	Sections	20210721

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.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement between The Council of the City of Sydney and Waterloo 1 Pty Ltd and entered into in accordance with condition (1) Voluntary Planning Agreement at (A) Part A – Deferred Commencement Conditions of the concept development consent D/2015/1358 (as amended) and which is associated with this consent are to be complied with.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) the footpath awning is to be constructed of solid, opaque materials and not transparent glazing;
- (b) outdoor seating adjacent to the residential pedestrian entry to Botany Road is not approved and is to be deleted;
- (c) ground level landscaped areas are to be marked as DEEP SOIL, as annotated in red on the stamped approved plans. Any structures in the northern deep soil zone are to be constructed of lightweight materials such as timber decking or water permeable paving to allow for filtration of rainwater into the ground;

Note: ‘deep soil’ for the purposes of this condition is as the term is defined in the Sydney DCP 2012.

- (d) The design of rooftop communal open space is to be amended as follows:
 - (i) the balustrade height wall between the timber decking and gravel finish adjacent to the clerestory window above apartment A2.701 is to be raised in height to match the height of the wall behind (south of) the adjacent BBQ area. This full height wall is to extend for the length of the aforementioned clerestory window enclosure;

- (ii) a full height louvred panel is to be inserted between the walled clerestory window enclosure and the fire stair to the south and which is located directly under the western edge of the pergola;
 - (iii) matching full height louvred panels are to be inserted into the openings either side of the BBQ wall to the north of the clerestory window servicing apartment A2.704;
- (e) the skylight above the laundry cupboard of level 6 apartment A1.601 in Building A1 is to be repositioned to a location above the living area;
- (f) the paving finish and raised kerbs located within the northern driveway and between the site boundary with Botany Road and the vehicle entrance gate are not approved. All relevant drawings are to be amended to remove the kerb from the northern driveway and to incorporate bollards and high-quality public domain treatments to be consistent with the design of other portions of the vehicle driveways, loading, service and exit areas;
- (g) bollards at the northern end of the loading dock are to be deleted to allow the northern loading dock gate to fully open flush against the adjacent walls;
- (h) the “bitumen” finish noted to the vehicle entrance, loading/service and exit areas is not approved. All relevant drawings are to be updated to incorporate a consistent high-quality public domain treatment throughout such as bluestone pavers as annotated on the southern exit driveway on drawing number 2010, titled Floor Plan – Ground Floor_Level 01;
- (i) the depth of the cantilevered planters located on levels 4, 5 and 6 and which adjoin bedroom 3 in apartments A1.402, A1.403, A1.502, A1.503, A1.602, A1.603 and are located in the centre of the western (Botany Road) elevation are to be reduced in depth to project over the site boundary with Botany Road by no more than 450mm;
- (j) the design of the Building A1 level 2 apartment A1.203 and the nearby corridor and planter are to be modified as follows:
 - (i) reduce the length of the planter at the northern end of the corridor to align with the northern extent of the apartment A1.203 living / dining room wall;
 - (ii) relocate the privacy screen to the northern edge of the planter at the northern end of the corridor to align with the living / dining room wall;
 - (iii) realign the balcony upstand wall to be rectangular in shape and reconfigure the balcony to provide a minimum balcony area of 10sqm;
 - (iv) amend the design of the inaccessible roof with gravel finish that adjoins the balcony to accommodate the design modifications specified above; and
 - (v) provide operable sliding privacy screens on the balcony upstand wall.
- (k) The east-facing hallway windows in apartments A1.302, A1.402, A1.502, A1.602 are to be deleted.

- (l) The area of balconies of apartments A1.302, A1.303, A1.402, A1.403, A1.502, A1.503, A1.602 and A1.603 is to be increased by removing the step in the kitchen wall to align with the eastern wall of the living/dining room;
- (m) the design of pedestrian entry doors to the ground floor level retail tenancy is to be amended to ensure the doors do not encroach on the public domain at any time, including when opening or closing.

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

Note: DESIGN MODIFICATIONS, AWNING DETAILS, FACADE AND ROOF METALWORK and GROUND LEVEL FACADES, PUBLIC DOMAIN INTERFACE, METALWORK AND SERVICE INTEGRATION conditions are to be considered holistically and information to satisfy these conditions is to be submitted at the same time in a coordinated package.

(4) AWNING DETAILS

Minimum 1:20 scale plans and section details of the lightweight cantilevered footpath awning to Botany Road are to be submitted and are to incorporate the following elements:

- (a) structure;
- (b) roofing, gutter and integrated downpipes;
- (c) under awning soffit treatment over entry portico;
- (d) under awning building identification signage over entry portico; and
- (e) materials and finishes.

The information described above should be at a level equivalent to For Construction detailing. The details are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for above ground works.

Note: DESIGN MODIFICATIONS, AWNING DETAILS, FACADE AND ROOF METALWORK and GROUND LEVEL FACADES, PUBLIC DOMAIN INTERFACE, METALWORK AND SERVICE INTEGRATION conditions are to be considered holistically and information to satisfy these conditions is to be submitted at the same time in a coordinated package.

(5) FACADE AND ROOF METALWORK

Minimum 1:20 scale plans, elevations and section details are to be submitted as follows:

- (a) acoustic louvre air intake grilles to be incorporated into the vertical plenums in the Botany Road facade are to satisfy the opening size requirements determined in accordance with the NATURAL VENTILATION/ACOUSTIC ATTENUATION/PLENUMS condition in this consent below;

- (b) sliding screens to the west elevation of Building A1 fronting Botany Road are to demonstrate that they allow for suitable window operability to enable access to both planters and operable/sliding screens themselves;
- (c) sliding screens to the east elevation of Building A1 fronting Botany Road;
- (d) sliding screens to the north elevation of Buildings A2 / B and C;
- (e) sliding screens to the south elevation of Buildings A2 / B;
- (f) fixed privacy screens to the south elevation of Building C; and
- (g) acoustic louvres located adjacent to the rooftop communal open space to apartment B2.702 clerestory windows with performance requirements in accordance with the Acoustic Report prepared by Wilkinson Murray ref RWD1#2101027 dated 13 November 2020 and with reference to Addendum to the Acoustic Report by RWDI Australia Pty Ltd (RWDI) dated 19 March 2021.

The information submitted in accordance with the requirements of this condition must include detailed material, finishing, spacing and elemental sizing details and should be at a level equivalent to For Construction detailing. The details are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for above ground works.

Note: DESIGN MODIFICATIONS, AWNING DETAILS, FACADE AND ROOF METALWORK and GROUND LEVEL FACADES, PUBLIC DOMAIN INTERFACE, METALWORK AND SERVICE INTEGRATION conditions are to be considered holistically and information to satisfy these conditions is to be submitted at the same time in a coordinated package.

(6) GROUND LEVEL FACADES, PUBLIC DOMAIN INTERFACE, METALWORK AND SERVICE INTEGRATION

Minimum 1:20 scale plans, elevations, wall sections and section details are to be submitted as follows:

- (a) retail facade at ground level facing west on Botany Road and south within the pedestrian entrance area;
- (b) pedestrian entrance portico, access gate and fences facing Botany Road;
- (c) vehicle entrance gate and fence facing Botany Road;
- (d) vehicle exit gate and fence facing Botany Road;
- (e) loading/service area entrance and exit gates on ground level;
- (f) loading/service area panel lift & sliding doors to waste areas on ground level;
- (g) fire hydrant booster valve cabinet facing north in the pedestrian entrance portico. Should changes be proposed to servicing requirements in this frontage a high-quality solution integrated into the facade design is required to be submitted for consideration;

- (h) chamber substation facade facing north in the vehicle entrance area.

The information submitted in accordance with the requirements of this condition must include detailed material, finishing, spacing and elemental sizing details and should be at a level equivalent to For Construction detailing. The details are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for above ground works.

Note: DESIGN MODIFICATIONS, AWNING DETAILS, FACADE AND ROOF METALWORK and GROUND LEVEL FACADES, PUBLIC DOMAIN INTERFACE, METALWORK AND SERVICE INTEGRATION conditions are to be considered holistically and information to satisfy these conditions is to be submitted at the same time in a coordinated package.

(7) NATURAL VENTILATION / ACOUSTIC ATTENUATION / PLENUMS

An updated Natural Ventilation Study is to be submitted and must address the requirements specified below, their exact component specification and must demonstrate the minimum required airflow, in accordance with the *City of Sydney's Draft Alternative Natural Ventilation of Apartments In Noisy Environments: Performance Pathway Guideline*.

Minimum 1:20 scale plans and section details of the natural ventilation plenums to Botany Road are to be submitted and are to incorporate the following elements:

- (a) means of controlling the airflow within the plenum. This is typically addressed via a damper which is manually controllable from inside the room served by the plenum. This however will contribute resistance to airflow and needs to be factored into the dynamic airflow modelling;
- (b) flyscreens that are accessible and removable for cleaning from inside the room served by the plenum. This however will contribute resistance to airflow and needs to be factored into the dynamic airflow modelling;
- (c) hinged grille to the room served by the plenum for access to the required flyscreen;

The information described above should be at a level equivalent to For Construction detailing. The details are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for above ground works.

(8) GLAZING

Prior to the issue of any Construction Certificate for above ground works, glazing details are to be submitted to and approved by Council's Area Planning Manager as follows:

- (a) All glass is to be clear to achieve a high level of transparency to provide visual depth and neutrality of colour. A consistency in appearance and colour characteristics between all facades is to be achieved.
- (b) The submitted details are to include physical samples of the glass types, details of the manner of assembly, and the glazing characteristics including

the proposed Shading Coefficient, the Visible Light Transmission and Reflectivity.

(9) 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	\$1,416,960.19
Community Facilities	\$290,850.59
Traffic and Transport	\$156,148.41
Stormwater Drainage	\$61,772.89
Total	\$1,925,732.08

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 – 123.7 for the March 2022.

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.

(10) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE OR EMPLOYMENT LANDS - FLOOR SPACE CONTRIBUTION

- (a) An affordable housing contribution must be provided, either in accordance with the process at paragraph (b) Floor Space Contribution OR the process at (c) Payment in Lieu of a Floor Space Contribution, as follows.
- (b) Floor Space Contribution –
 - (i) As this consent relates to development to which section 7.32(1) of the Environmental Planning and Assessment Act, 1979 applies, affordable housing including units: A1.201, A1.202, A1.203, A1.204 and A1.301, their associated basement storage areas and the common corridors on level 02 of Building A1, which serves apartments A1.201, A1.202, A1.203, A1.204 only, as shown on stamped approved drawing no(s) 2009, 2011, and 2012 must be dedicated to Council in accordance with the provisions of the City of Sydney Affordable Housing Program adopted 24 August, 2020.
 - (ii) Prior to the issue of a Construction Certificate or the use commencing, whichever is earlier, the applicant must provide evidence to Council's satisfaction in the form of a Deed of Agreement between the Proponent and Bridge Housing Limited, that the title to the affordable housing specified at (i) above, to be dedicated, will be transferred to and operated by community housing provider Bridge Housing Limited in accordance with the City of Sydney Affordable Housing Program adopted 24 August, 2020.
 - (iii) Prior to an Occupation Certificate being issued, the applicant must provide evidence to Council that the title to the dedicated affordable housing as specified at (i) above, has been transferred to Bridge Housing Limited in accordance with the Deed of Agreement referred to at (ii) above.
 - (iv) Prior to the issue of an Occupation Certificate, a covenant is to be registered on the title of the dedicated affordable housing as specified at (i) above requiring compliance by the registered proprietor(s) with the terms of the Deed of Agreement as to the use of the dedicated units as affordable housing units.
- (c) Payment in Lieu of a Floor Space Contribution -
 - (i) As this consent relates to development to which section 7.32(1) of the Environmental Planning and Assessment Act, 1979 applies and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
 - (ii) The contribution is \$5,751,036.20 (indexed at 1 July 2022). This is calculated by establishing the sum of the equivalent monetary contribution \$11,599.74 multiplied by 1% of the total floor area for non-residential development (211 sqm) and the equivalent monetary contribution \$11,599.74 multiplied by 3% of the total floor area for residential development (16,456 sqm).

- (iii) If the contribution is paid after the indexation period in which the consent is granted, being March 2022 to February 2023, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula:
- (iv) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:
 - a. C is the original total contribution amount payable to the City of Sydney as shown above;
 - b. MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
 - c. MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being March 2022 to February 2023.

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

Note: If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.

(11) BUILDING HEIGHT

- (a) The height of the buildings must not exceed:
 - (i) RL 32.850 (AHD) to the uppermost roof level of the portion of Building A fronting Botany Road;
 - (ii) RL 35.250 (AHD) to the level of the trafficable areas of the rooftop communal open space atop Building B; and
 - (iii) RL 37.000 (AHD) to the top of the parapet of Building C.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of buildings accords with (a) above, to the satisfaction of the Principal Certifier.

(12) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the retail use must not exceed 0.04:1; for the residential use must not exceed 2.15:1; and for the mixed-use must not exceed 2.19:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the retail component is 212 sqm, for the residential component is 10,695 sqm, and the total Gross Floor Area is 10,907 sqm.

- (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.

(13) DESIGN QUALITY EXCELLENCE

- (a) As the proposal has been awarded bonus floor space for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:
 - (i) The design architect comprising Cottee Parker is to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 or s4.56 applications, Construction Certificate and Occupation Certificate stages;
 - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of any Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.

The Principal Certifier must be satisfied that the above matters are complied with prior to the issue of any Construction and Occupation Certificates, in accordance with written confirmation from Council.

(14) 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 Area Planning Manager 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'.

(15) PUBLIC ART

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

- (a) The Preliminary Public Art Plan, prepared by Guppy Associates Art Management for Vantager Group and dated 21 July 2021, must be modified as follows:
 - (i) it is to specify a budget that is commensurate with the scale and nature of the development and the aspiration of the development's public art objectives;

- (ii) in addition to the public art opportunities already identified, the Preliminary Public Art Plan is to incorporate the soffit of the entry areas of the development as public art opportunities; and
- (iii) to reconsider the identified blade wall opportunity as a location for some kind of artwork other than a figurative work;

The modified Preliminary Public Art Plan must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for any construction works.

- (b) The public artwork must be in accordance with Preliminary Public Art Plan as approved in accordance with (a) above, the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (c) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Area Planning Manager prior to issue of any Construction Certificate for above ground works.
- (d) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted to and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

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.

(16) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fitout or specific use of the ground floor retail tenancy fronting Botany Road.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout and use of the subject tenancy prior to that fitout or use commencing.

(17) USE OF COMMON AREAS AND FACILITIES

The ground level and rooftop communal open spaces must be available for the use of all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(18) AIR CONDITIONERS GENERALLY

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

- (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; and
- (d) Wiring must be fully concealed.

(19) 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.

(20) FOOTPATH AWNING MAINTENANCE

The footpath awning must be inspected and regular maintenance be carried out to ensure the awning's structural integrity, aesthetic and functional qualities are maintained.

(21) REFLECTIVITY

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

(22) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

(23) 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 Acoustic Report prepared by Wilkinson Murray ref RWD1#2101027 dated 13 November 2020 and with reference to Addendum to the Acoustic Report by RWDI Australia Pty Ltd (RWDI) dated 19 March 2021 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 Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustical Consultants at the grade of member firm.

- (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.

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

A site-specific noise management plan must 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.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the plan prepared and approved by Council Officers in accordance with the DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN condition above.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

(26) 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 \(NPfl\)](#) 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 NPfl 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.

(27) 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 Code*.

(28) ALLOCATION OF CAR PARKING

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

Car Parking Type	Number
Residential spaces	69
Accessible residential spaces	20
Residential visitor spaces	11
Accessible residential visitor spaces	1
Retail Staff parking	2
Subtotal	103
Car share parking	2
Trolley Tractor Parking	1
Motorcycle parking	9
Service Vehicle Parking (Australian Standard B99 size car/van. 1 for retail, 2 for residential servicing)	3
9.25m Council Waste Collection Vehicle loading dock(s)	1
Total	119

(29) CAR PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy the Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities and Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities.

Motorbike parking spaces must have a minimum area of 1200mm by 2500mm and comply with the Australian Standard AS/NZS 2890.1 – 2004.

Adequate turning bays and extra width for blind aisles must be provided within the parking layout where applicable.

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

(30) ALLOCATION FOR CAR WASH BAYS

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

(31) 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.

(32) 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.

(33) 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	132	Spaces must be a class 1 bicycle locker [1] and class 2 or a combination of Class 1 and Class 2
Residential visitor	13	Spaces must be Class 3 bicycle rails
Retail/Commercial Staff/Employee	3	Spaces must be Class 2 bicycle facilities
Retail/Commercial visitor	2	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	5	

Note: If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities and section 3.11.3 Bike parking and associated facilities of the Sydney Development Control Plan 2012 . The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.
- (c) Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class "B", and class 3 as class 'C'.
- (d) Visitor bicycle parking and staff bicycle parking must be provided on ground floor level at a location that can be conveniently accessed from the main pedestrian entrance.

(34) SMALL CAR PARKING SPACES AND DIMENSIONS

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

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

(35) COST OF SIGNPOSTING

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

(36) 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.

(37) ON-SITE LOADING OPERATION

All loading and unloading associated with the site must be carried out within 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) 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.

(39) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must not exceed 9.5m.

(40) VEHICLES ACCESS

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

(41) SIGNS AT EGRESS

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

- (a) Compelling "Give Way to Pedestrians and Bicycles" before crossing a footpath on an existing or identified shared path route. The signs/ are to be erected prior to issue of an Occupation Certificate and must be maintained in good order at all times by the owners of the building.

(42) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with TfNSW (former 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.

(43) BICYCLE PARKING SIGNAGE AND WAYFINDING PLAN

Signage directing users to the bicycle parking facilities are to be installed from the street level, between the bicycle riders entry point/s at the site boundary and the entry point to the bike parking and End of Trip facilities. Signage is to be generally in accordance with signage shown in Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The signage plan must be submitted to and approved by Council prior to the Occupation Certificate for the site being granted. Signage is to be installed before the issue of any Occupation Certificate.

(44) LOADING AND SERVICING MANAGEMENT PLAN

A Loading and Servicing Management Plan must be submitted to and approved by Council's Area Planning Manager prior to any Occupation Certificate for the site/use being granted.

The Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including details of the online booking system, delivery vehicles, garbage collection, resident/tenants move in /move out, managing service vehicles short reverse movement within the dock (if any) and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. along with how these will be managed to prevent disruption to public streets. The management of the plan needs to be able to respond to changes in the surrounding road environment and be updated accordingly.

The minimum height clearance within the site for service vehicle manoeuvring is 4m, which is required to accommodate Council's waste truck. This has to be ensured within the plan that all other vehicles also comply with the height restrictions.

Specific loading times for the various tenants of the site are to be identified within the Plan.

Once approved, this management plan must be provided to all tenants and external users.

(45) LOADING DOCK SCHEDULE/REGISTER

The on-site medium rigid vehicle loading dock is to be available for use by all residents for by removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries. This information is to be made available to all residents/tenants of the building.

(46) TRANSPORT ACCESS GUIDE

A Transport Access Guide, including a strategy for the future distribution of the Guide to staff, clients, customers and visitors to the site, must be submitted to and approved by the Area Planning Manager prior to any Occupation Certificate for the site/use being issued.

Note: Green Travel Plan and Transport Access Guide requirements are detailed in section 7.7 of the Sydney DCP 2012. For further information about a preparing a Transport Access Guide, the applicant should contact the City's Transport and Access Unit.

(47) MEASURES ON ROAD SAFETY AUDIT AND PARKING COMPLIANCE

Submitted Traffic Report (prepared by Applicant's Consultant TTPA dated 15 December 2021) specifies measures to address the recommendations from the independent Road Safety Audit (RSA) and parking compliance report. Those measures are to be implemented in the approved development. Any work in the public domain must be submitted to and approved by the City's Public Domain Team prior to issue of a Construction certificate.

The approved measures must be implemented by the applicant with no cost to Council.

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

(48) CAR SHARE SPACES

- (a) A minimum of 2 car parking spaces for the exclusive use of car share scheme vehicles are to be provided.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.

- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to members of the car share scheme at all times. This may require a standalone access system for car share scheme members to access the location of proposed car share space/s such as basement. Car share operators should be contacted for further information.
- (f) The car share spaces are to be fully operational prior to the issuing of any Occupation Certificate/s. The car share scheme operator is to confirm operation to the Principle Certifying Authority prior to the issuing of any Occupation Certificate/s.

(49) LEFT IN/LEFT OUT

The approved driveways to Botany Road must be restricted to left in/left out turning arrangements.

(50) MEDIAN STRIP

The developments on Botany Road driveway must be physically restricted to a left in left out arrangement.

The central median concept and location must be satisfied to Transport for NSW (TfNSW) and requires referral to the Local Pedestrian and Traffic Calming Committee (LPCTCC) and approval from Council officers prior to issue of the Construction Certificate. The median must also be approved as part of the Public Domain Plan.

Further information or design changes may be required during the approvals process and the cost of any changes and associated documentation must be borne by the applicant. The median must be constructed as per conditions of the LPCTCC and designed and constructed at no cost to Council.

The median must be constructed prior to any Occupation Certificate being issued for the development.

(51) TRAFFIC CONTROL SIGNAL (TCS) ON BOTANY ROAD INTERSECTION

The proposed modification of the Traffic Control Signal (TCS) site at the intersection of Botany Road shall be designed to meet TfNSW requirements specified in SCHEDULE 1E of these conditions and as follows:

- (a) The TCS plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.
- (b) The design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on www.transport.nsw.gov.au).
- (c) The certified copies of the TCS design and civil design plans must be submitted to and approved by TfNSW prior to issue of any Construction

Certificate for construction works. Please send all documentation to development.sydney@transport.nsw.gov.au.

- (d) The TCS must be constructed prior to any Occupation Certificate being issued for the development.

(52) SECTION 116 OF THE ROADS ACT

- (a) The proposed median, road marking and traffic control signal (TCS) on Botany Road at the Subject Site frontage will prohibit/change existing traffic movements. This requires section 116 of the Roads Act to be satisfied. This must be completed and approved prior. The following matters are integral to the approval process:
 - (i) Section 116 requires public consultation, a referral to the Local Pedestrian, Cycling and Traffic Calming Committee, a Traffic Management Plan to be approved by the RMS and a report to be put before Council.
 - (ii) The developer is required to contact Council when they wish to begin this process. They will need to discuss with the Traffic Operations team what documentation they need to submit.
 - (iii) Any additional information or design amendments required as part of this process must be provided by the developer at no cost to Council.
 - (iv) This process must be completed prior to any approval for the construction of the median being granted.
 - (v) The Section 116 process can take up to 12 months from the Council Officer being satisfied with the proposal.
 - (vi) The Section 116 process can happen concurrently with the process to approve the road closure design.
 - (vii) All fees and costs associated with the approval of a Section 116 application are to be borne by the developer.

(53) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the buildings must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those relevant portions of the buildings from residential accommodation as defined in *Sydney Local Environmental Plan 2012*. The covenant is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All

costs of the preparation and registration of all associated documentation are to be borne by the applicant.

- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

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

The following conditions apply to car parking:

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

SCHEDULE 1B

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

(55) 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 residential apartments numbered A2 102, B2 102, A2 202, B2 202, A1 302, A1 303, A2 303, B2 302, A1 402, A1 403, A2 403, B2 402, A1 502, A1 503, A2 503, B2 502, A1 602, A1 603, A2 603 and A2 703 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.

(56) 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 must 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.

(57) CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.
- (c) The approved plan must be complied with during any demolition and/or construction work.

(58) 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.

(59) 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.

(60) FLOOR TO CEILING HEIGHT

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

(61) 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 (as per tree numbering on Cottee Parker Tree Identification Plan, drawing no. 2820, Issue B, dated 01/12/2021)

Tree No	Botanical/Common Name	Location

1,2	<i>Ficus rubiginosa</i> /Port Jackson Fig	Southern Boundary
3,5	<i>Olea europa var africana</i> /African Olive	Southern Boundary
6	<i>Acacia binervia</i> /Coastal Myall	Southern Boundary
7	<i>Schinus areira</i> /Peppercorn	Southern Boundary

- (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.

(62) 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 (as per tree numbering on Cottee Parker Tree Identification Plan, 2820, Issue B, dated 01/12/2021)

Tree No	Botanical/Common Name	Location
4	<i>Cinnamomum camphora</i> /Camphor Laurel	Southern Boundary

(63) TREES ON NEIGHBOURING LAND THAT MUST BE PROTECTED

- (a) The existing trees detailed in Table 3 below must be protected in accordance with the conditions of consent throughout the construction and development.

Table 3 – Trees to be protected (as per tree numbering specified in Arboricultural Implication Assessment and Tree Protection Specification, Issue B, dated 19 July 2021 and prepared by Horticultural Resources Consulting Group):

Tree No	Botanical/Common Name	Location
8,9	<i>Cinnamomum camphora</i> /Camphor Laurel	237-271 Botany Rd
10	<i>Eucalyptus microcorys</i> /Tallow Wood	237-271 Botany Rd

(64) TREE PROTECTION PLANS

- (a) 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).

(65) TREE PROTECTION ZONE

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

TPZ Schedule

(as per tree numbering on Cottee Parker Tree Identification Plan, 2820, Issue B, dated 01/12/2021)

Tree No	Species Name	Location	Radius (m) From Trunk
4	Camphor Laurel	Southern Boundary	15

- (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 along the southern retaining wall to prevent access to the tree. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
 - (ii) The area within the fencing shall be mulched to a depth of 75mm and kept free of weeds and grass for the duration of works
 - (iii) Tree Protection Signage shall be attached facing outwards in a visible position identifying the name and contact details of the site Arborist. All signs must remain in place throughout all work on site.
 - (iv) Tree Protection Fencing must not be relocated unless written approval is obtained from the Site Arborist and a copy is provided to Council which outlines alternate protection measures required to ensure all trees remain viable and confirmation that the relocation of the fencing will not impacted the tree/s.
- (d) The ground surface protection must be installed if construction access is required through any TPZ and part (f)(i) of this condition has been approved:
 - (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
 - (ii) The protective boarding must be left in place for the duration of the construction and development.

- (e) The following works must be excluded from within any TPZs:
 - (i) Excavation;
 - (ii) Soil cut or fill including trenching;
 - (iii) Soil cultivation, disturbance or compaction;
 - (iv) Stockpiling, storage or mixing of materials;
 - (v) The parking, storing, washing and repairing of tools, equipment and machinery;
 - (vi) The disposal of liquids and refuelling;
 - (vii) The disposal of building materials;
 - (viii) The siting of offices or sheds;
 - (ix) Any action leading to the impact on tree health or structure.
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any Tree Protection Zone (TPZ). Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed.
- (g) All work undertaken within or above the TPZ must be:
 - (i) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
 - (ii) Supervised by a qualified Consultant Arborist (minimum AQF Level 5).

(66) TREE PROTECTION DURING CONSTRUCTION

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 15 metres of the trunk of any tree (including trees in adjoining properties).
- (b) Excavation (except for localised siting of pier) must not occur within six metres of any tree (including trees in adjoining properties). 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) Footings shall be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance shall be provided between the tree root and footing.

(67) SITE SUPERVISION AND REPORTING

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

(68) TREE PRUNING

Consent from Council's Tree Management Officer must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.

(69) AERIAL BUNDLING OF WIRES

Overhead wires along the site's Botany Road frontage, must be bundled. The works must be completed prior to the issuing of the Occupation Certificate. The City must be notified in writing once the approval of the bundling has been given and once the bundling works have commenced.

Note: approval of the bundling is to be sought from Ausgrid.

(70) ADVANCED 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 the Occupation Certificate;

- (a) 26 trees must be planted within the site. 30% of the species must have a mature height of 6-8 metres, 50% mature heights of 10-15 metres and 20% mature heights of 20-30 metres; Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (b) The tree must be grown to Australian Standard 2303:2015 'Tree stock for landscape use'
- (c) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 1.2 metres.
- (d) 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;
- (e) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
- (f) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (g) The replacement planting/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (h) Written confirmation is to be obtained from Council's Area Planning Manager 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.

(71) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE

- (a) Five new trees must be planted in Botany Road in association with the development and be included on the Public Domain Plans required to be submitted under condition tilted 'Public Domain Plan'.
- (b) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.
- (c) The applicant must indicate of the chosen tree planting arrangement, being a choice of one of two options, being:

Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management Officer.

OR

Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.

- (d) If opting to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:
- (i) The trees must be planted prior to the issuing of the Occupation Certificate.
 - (ii) Trees must be located and planted in accordance with the City's Street Tree Master Plan or other relevant guidance document.
 - (iii) The tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.
 - (iv) The trees must be a minimum container size of 200 litres, and a minimum height of 1.2 metres at the time of planting.
 - (v) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.
 - (vi) Certification from the tree supplier must be submitted to the City's Tree Management Officer and Public Domain Officer, prior to the trees being planted. The certification must confirm the trees have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by the City.
 - (vii) The trees must be planted by a qualified Arborist or Horticulturist (AQF Level 3) and be planted before the issuing of the final Occupation Certificate.
 - (viii) All new trees must be inspected and approved by the City's Tree Management Officer (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period.
 - (ix) All trees planted in accordance with the approved Tree Planting Plan must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 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.
 - (x) At the end of the 12 month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.
 - (xi) If a tree fails to thrive and successfully establish during the maintenance period, then City will request payment for a replacement tree and establishment period according to the City's Schedule of Fees and Charges.

(72) LANDSCAPING OF THE SITE

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The design must be generally in accordance with the Landscape Development Application package, revision C by Place Design Group dated January 2022, and must include:
 - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
 - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features
 - (iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (iv) Details of deep soil in accordance with the deep soil areas indicated on the plans approved in accordance with the DESIGN MODIFICATIONS condition in this consent. Where relatively natural soil does not exist or the land is contaminated, provide details of clean fill including subsoil and topsoil layers in accordance with a Remediation Action Plan.
 - (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) Details of drainage, waterproofing and watering systems.
 - (vii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) Prior to the issue of an Occupation Certificate, the deep soil area must be constructed as approved in clause 1(a)(iv) above. Where relatively natural soil does not exist, 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.

(73) GREEN ROOFS & FAÇADE GREENING

- (a) A detailed design of the green roofs and façade greening including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The design must be generally in accordance with the Landscape Development

Application package, revision C by Place Design Group dated January 2022, and must include:

- (i) A statement that includes details of proposed use of the green roofs and façade greening, 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) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
 - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (vi) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (vii) Details of any safety systems for maintenance, ensuring they are fully coordinated with the architectural drawings.
 - (viii) Green roof and façade greening maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
- (b) Prior to the issue of any Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifier.
 - (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

(74) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the properties at 2 Allen Street, 8 Allen Street, 356-368 George Street, 237-271 Botany Road and 233-235 Botany Road, Waterloo 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.

Reason

To ensure that dilapidation reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

(75) 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).

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

For temporary shoring including ground anchors affecting the road reserve, a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council.

(77) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Planning Coordinator / Area

Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

(78) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report as prepared and approved in accordance with the HAZARDOUS MATERIALS SURVEY REQUIRED condition above must be complied with.

Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

(79) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan for 219-231 Botany Road, Waterloo NSW, prepared by EI Australia, dated 14 May 2021, ref: E24914.E06_Rev0 and the Letter of Interim Advice 04, prepared by Harwood Environmental Consultants, dated 21 May 2021.

All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

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

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

(80) SITE AUDIT STATEMENT

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

hbapplications@cityofsydney.nsw.gov.au

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*).
- (c) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

(81) 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.

(82) 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.

(83) DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS

The removal of underground petroleum storage tanks must be undertaken in accordance with Safework NSW requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed and all relevant NSW Environmental Protection Authority/Office of the Environment and Heritage Guidelines and Australian Standards including following;

NSW EPA Technical Note: *Decommissioning, Abandonment and Removal of UPSS* (January 2010),

NSW EPA Technical Note: *Investigation of Service Station Sites* (April 2014),

AS 1940 –2004: Storage and handling of flammable and combustible liquids,

AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.

A site contamination assessment must be conducted in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of the Environment and Heritage 2011) and the *Sampling Design Guidelines* (NSW Environmental Protection Authority September 1995) to determine whether petroleum has contaminated soil and groundwater in the vicinity of the storage system and whether remediation is required to ensure the land remains suitable for the continued approved land use.

Subsequent remediation of the site must be undertaken in accordance with the *Managing Land Contamination – Planning Guidelines, State Environmental Planning Policy 55 – Remediation of land* (Department of Urban Affairs and Planning 1998) including notification to Council’s Area Planning Manager at the start and completion of land remediation.

The removal or in-situ decommissioning of the underground petroleum storage system and any subsequent contamination assessment, preparation of a remediation strategy and final decommissioning reporting must be carried out by a duly qualified person, who has competencies and experience in relation to this area of work that are recognised as appropriate by the relevant industry and the NSW Environmental Protection Authority.

(84) DISCHARGE OF CONTAMINATED GROUNDWATER

Contaminated groundwater must not be discharged into the City’s stormwater drainage system.

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

(85) IMPORTED FILL MATERIALS

All fill imported onto the site must 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.

(86) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Council’s Area Planning Manager and the Principal Certifier must be notified of any new information which comes to light during remediation, demolition or

construction works which has the potential to alter previous conclusions about site contamination.

(87) STOCKPILES

- (a) No stockpiles of soil or other materials must 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 must 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 must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours

(88) UNDERGROUND PETROLEUM STORAGE SYSTEM – DECOMMISSIONING REPORT

The underground petroleum storage system must be investigated for contamination and a site investigation report obtained from a suitably qualified Environmental Consultant in accordance with NSW Environmental Protection Authority guidelines, must be submitted to Council's Area Planning Manager within 60 days of completion of either validation that no site remediation is necessary or completion of any necessary remediation works. The report must provide confirmation that the site is suitable for continued approved land use or prior approved remediation criteria.

The report must be undertaken in accordance with clause 13 and 15 of the *Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2014* and the NSW Department of the Environment, Climate Change and Water *Underground Petroleum Storage System Technical Note: Site Validation Reporting – January 2010* and *Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of the Environment and Heritage 2011)*.

The decommissioning report must contain:

- (a) A description of the scale and nature of any contamination originally present,
- (b) A description of the remedial methods used, including objectives, where applicable,
- (c) A statement about the site's ongoing or future use,
- (d) A description of the extent of any remaining contamination and how this was assessed,
- (e) A site plan delineating the area being validated and any contamination remaining after site works,
- (f) A clear conclusion on the suitability of the site for its ongoing or future use.

(89) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works a Construction Environmental Management Plan (CEMP) must be prepared for the site and submitted to Council's Area Planning Manager for written approval prior to the commencement of work. The CEMP 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 Construction Environmental Management Plan.

(90) 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.

(91) 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*.

(92) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

A copy of the BASIX certificate number: 901626M_10 accepted and approved as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for any construction certificate and the items nominated as part of BASIX certificate number: 901626M_10 must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX certificate number: 901626M_10, 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.

(93) 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.

(94) SYDNEY WATER CERTIFICATE (TAP-IN)

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

(95) 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.

(96) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the property at 219-231 Botany Road Waterloo, is to be prepared to Council's satisfaction. The recording is to be in digital form and prepared in accordance with the NSW Heritage Division 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 or digital file transfer in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each location, image subject/description and date.
- (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.

(97) 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.

(98) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS – MAJOR DEVELOPMENT

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

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

Documentation of the salvage methodology must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Planning Manager prior to the issue of a Construction Certificate.

(99) SITES IN THE VICINITY OF A HERITAGE ITEM

The approved works must ensure that the local heritage item 'Waterloo Public School group' of buildings including landscaping (I2071) and which is immediately adjacent to the south of the subject site and is at address 237-271 Botany Road Waterloo, is to be suitably protected during the construction process. The contractor or developer must conduct consultations with the stakeholders of the neighbouring heritage site, record and monitor the conditions of the heritage building and take suitable measures to control and minimize any risks to the heritage fabric during demolition, excavation and construction phases. The protection measures must be incorporated into the construction management plan. Details of the protection plan must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate.

(100) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the *Public Domain Manual* and submitted to and approved by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to 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.

(101) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

(102) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission, must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed *Application for Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Approved Public Domain Levels and Gradients plans are to be submitted with Public Domain Plan – Detailed Documentation for Construction Condition submission.

(103) STORMWATER DRAINAGE DESIGN

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professionals must be submitted to and approved by the City's Public Domain Unit and must include;

A certified stormwater drainage design complying with

- (a) Council's *Sydney Streets Technical Specifications*, Part A4 *Stormwater Drainage Design*;
- (b) Council's *Sydney Streets Technical Specifications*, Standard Drawings;
- (c) Council's *Sydney Streets Technical Specifications*, Part B10: *Stormwater Drainage Construction*;
- (d) Council's Stormwater Drainage Manual; and
- (e) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems is required prior to issue of any Occupation Certificate.

(104) STORMWATER ON-SITE DETENTION

The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of any Construction Certificate other than demolition.

Where an OSD is not required by Sydney Water one may still be required by the City.

(105) STORMWATER QUALITY ASSESSMENT

The development must comply with 219-231 Botany Road, Waterloo WSUD Strategy Report A report dated 7 December 2020 approved with this development application.

Prior to issue of any Construction Certificate a stormwater quality assessment report prepared by a suitably qualified practicing civil engineer (NER), demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit.

The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link report.

(106) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 3-2 of the report titled Site Specific Flood Assessment (ref NW 30072:CW) prepared by Cardno (NSW/ACT) dated 1 December 2020.

Details must be submitted to the Principal Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

(107) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5-Street Lighting Design and B8- Street Lighting Construction*, *Sydney Lights: Public Domain Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The lighting upgrade plan must cover all adjacent street frontages, being [insert street names] and shall be designed to include the following requirements; [insert lighting brief from DA referral].

Advice on site specific lighting requirements must be obtained from the City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

(108) TEMPORARY DEWATERING DURING CONSTRUCTION

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an

Application for Temporary Dewatering available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(109) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation must be submitted to and approved by the City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City of Sydney's *Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights: Public Domain Design Code, Sydney Streets Technical Specification*. The documentation must be *checked, be accurate, and comply with specified requirements*. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be For Construction issue and will be approved under Section 138 of the Roads Act 1993.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/detailed-associated-works>.

The Public Domain Plan documentation must be submitted with an *Application for Public Domain Plan Assessment* and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, an *Application for Public Domain Levels and Gradients* must be submitted to and approved by the Public Domain Unit to reflect these changes prior to an approval being issued for the construction of public domain work.

(110) PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

(111) PUBLIC DOMAIN WORK - CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993

Prior to the construction of any public domain works, approval under Section 138 / 139 of the *Roads Act 1993* must be issued by the City's Public Domain Unit.

(112) HOLD POINTS

Prior to an approval being issued for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's *Public Domain Manual* and *Sydney Streets Technical Specification*. *The*

list of hold point inspections will be included in the Public Domain works approval letter.

These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

(113) STORMWATER DRAINAGE CONNECTION

For approval of a connection into the City of Sydney's underground drainage infrastructure system an *Application for Approval of Stormwater Drainage Connection* 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. This must be approved prior to approval being issued for the construction of public domain work.

(114) PUBLIC DOMAIN LIGHTING RETICULATION DESIGN

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting reticulation Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the City's Public Domain Unit in accordance with the City of Sydney's *Sydney Lights: Public Domain Design Code, Sydney Streets Code, Sydney Streets Technical Specification and Public Domain Manual*.

The *Public Domain Manual* and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

This public domain lighting documentation shall include pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications as described in the City's *Public Domain Manual*. The public domain lighting is to be superimposed on the public domain plan to show any conflicts between lighting and the proposed landscape design.

(115) PUBLIC DOMAIN WORKS SECURITY BOND

A Public Domain Works Security Bond will be required for the public domain works and repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to approval being issued for the construction of the public domain works.

The bond will be retained in full until all public domain works, including any rectification of damage to the public domain, are completed to City's standards, and the required work as executed documentation is approved. On satisfying the above requirements and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released.

The remaining 10% balance will be held for the duration of the specified defects liability period.

(116) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works Letter of Completion Operational Acceptance.

(117) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel, then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

(118) PUBLIC DOMAIN WORKS COMPLETION

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter stamped plans for Public Domain Levels and Gradients, Stormwater Drainage, Public Domain Lighting, *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights: Public Domain Design Code* and *Sydney Streets Technical Specification*.

The public domain work must be inspected, and a Public Domain Works Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

(119) PUBLIC DOMAIN COMPLETION - WORK AS EXECUTED DOCUMENTATION

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and Road construction. Details of the plans and documentation required for approval will be advised by the City's Public Domain Unit.

(120) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

- (a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
- (b) 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. The positive covenant will contain terms reasonably required by the City and will be

drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

(121) SURVEY INFRASTRUCTURE – PRE-SUBDIVISION CERTIFICATE WORKS

- (a) Pursuant to Section 38 of the Surveying and Spatial Information Act 2002, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.
- (b) Prior to any the issue of any Subdivision Certificate, documentary evidence in accordance with Section B11 – *Survey Infrastructure of the Technical Specification* must be prepared by a Registered Surveyor and submitted to and approved by the City. This evidence must include:
 - (i) A copy of any Surveyor-General's Approval for Deferment of Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or
 - (ii) A Public Domain Works Letter of Completion Operational Acceptance obtained from the City's Public Domain team, together with a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on their Deposited Plan remain at the date of practical completion.

(122) SURVEY INFRASTRUCTURE – RESTORATION

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
 - (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
 - (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre-Subdivision Certificate works" have been complied with and;
 - (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

(123) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NER), must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required flood planning levels achieved in accordance with the recommendations of the

report titled Site Specific Flood Assessment (ref NW 30072:CW) prepared by Cardno (NSW/ACT) dated 1 December 2020.

(124) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
 - (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

(125) INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING (DEMOLITION / CONSTRUCTION WRAPS)

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.
- (b) The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

Note: The scaffolding system on which a required artwork wrap is to be installed must be designed to safely and adequately accommodate and support the wrap mesh material on which the artwork is printed/displayed. This includes designing the scaffold to address potential increased wind loads that may be encountered in the locality.

(126) WORKS REQUIRING USE OF A PUBLIC PLACE

Where construction/building works require the use of a public place including a road or footpath, a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(127) PUBLIC DOMAIN DAMAGE SECURITY BOND

- (a) A Public Domain Damage Security Bond calculated on the basis of 615 square metres of concrete site frontage must be lodged with the City in accordance with the City of Sydney's adopted fees and charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

(128) DRAINAGE AND SERVICE PIT LIDS

All existing or proposed drainage and utility service pit lids throughout the public domain shall be to City of Sydney specifications and heel / bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy

opening and cleaning. Infill pit lids are to be detailed where specified by the Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

(129) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

(130) SUBDIVISION PLAN

- (a) Prior to the issue of any approval for demolition or any Construction Certificate, the initial boundary definition survey work necessary for the preparation of a subdivision plan redefining the boundaries of the subject site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002, in order to permit the surveyor access to reference marks and occupations that may be destroyed during demolition. The registered surveyor shall provide a letter to the Principal Certifier certifying that the initial survey work and calculations to define the subject boundaries has been completed.
- (b) Prior to the issue of any Staged or Final Occupation Certificate, the subdivision plan shall be registered with the Office of NSW Land Registry Services, showing the new components of the building and creating any easements as necessary. Redefinition of the boundaries prior to construction will minimise the risk of problems with encroachment and consequent significant delays and expense. It is also noted that the old boundaries have been varied by adjoining later plans.
- (c) The land to be dedicated shall step in stratum to a point where any balconies, planters and architectural embellishments on the face of the building at upper levels are contained wholly within the development lot. At the top of the building, the boundary shall step back in to the original alignment at ground level.
- (d) The land to be dedicated in accordance with the VPA for the site shall be numbered as a lot in the subdivision.
- (e) All restrictions, covenants, leases and other encumbrances burdening the land to be dedicated shall be released prior to, or in conjunction with the subdivision, including those benefiting Council.

(131) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

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

(132) SYDNEY WATER CERTIFICATE - SUBDIVISION

Prior to the issue of a Subdivision/Strata 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 Certifying Authority prior to a Subdivision/Strata Certificate being issued.

(133) ADDITIONAL EASEMENTS

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision or any future strata subdivision shall be created over the appropriate lots, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

(134) SURVEY INFRASTRUCTURE

Prior to the issue of the subdivision certificate, sufficient survey infrastructure, including reference marks and permanent marks, must remain in place in order to satisfy the requirements of the Surveying and Spatial Information Regulation 2017, and to the satisfaction of Council.

(135) SURVEYS FOR THE BUILDING

- (a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary or approved setback line must be set out by a registered surveyor, and a report issued to the builder & Principal Certifier.
- (b) On commencement of brickwork or wall construction, before the wall reaches one metre in height, a survey and report must be submitted to the Principal Certifier indicating the position of the external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining private land confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.
- (c) AT COMPLETION - Prior to the issue of any staged Occupation Certificate for a part or the whole of the building - a Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act,

2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the external site boundaries or proposed internal boundaries as approved by this consent must be rectified prior to the issue of any staged Occupation Certificate for the whole or any part of the building, or suitable easements pursuant to Section 88B of the *Conveyancing Act 1919* registered with the subdivision.

- (d) It is recommended that the proposed external walls of the building adjacent to side boundaries are set back a minimum of 20 millimetres to allow for construction tolerances and avoid the risk of encroachment and consequent delays and expense.

(136) 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.

(137) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste and Recycling Management Plan is to be approved by the Accredited 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

- (b) 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*.

(138) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste and Recycling Management Plan is to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Waste and Recycling Management Plan must be implemented during construction of the development.
- (b) 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

- (c) 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.

(139) 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.

(140) WASTE AND RECYCLING MANAGEMENT – DEMOLITION AND CONSTRUCTION WASTE

- (a) The proposal must comply with the relevant provisions of Council's Guidelines for Waste Management in New Developments 2018 which requires facilities to minimise and manage waste and recycling generated by the proposal.
- (b) Demolition waste must be contained and stored within the boundaries of the development.
- (c) Waste dockets are to be retained to confirm and verify which facility received the material for recycling or disposal.
- (d) Waste dockets are to be retained to confirm and verify that at least eighty percent (80%) of demolition material diverted from landfill for re-use and recycling.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(141) 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.

(142) 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*.

(143) 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.

(144) 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.

(145) 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*.

(146) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(147) 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.

(148) 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.

(149) 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.

(150) 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.

(151) CONSTRUCTION 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.

(152) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.(b) If, during excavation, 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) In addition to any approved Works Zone, provision must be made for loading and

unloading to be accommodated on site once the development has reached ground level.(e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.(f)Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.**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.

(154) 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 operations warranting the on-street use of mobile cranes (such as delivery of materials, hoisting of plant/equipment, erection and dismantling of onsite tower cranes, etc), 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) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

SCHEDULE 1D

(155) SYDNEY TRAINS CONCURRENCE

Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineers stating that the proposed works are to have no negative impact on the rail Airport line rail tunnel.

SCHEDULE 1E

TRANSPORT FOR NSW CONCURRENCE CONDITIONS

1. All buildings and structures together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth), along the Botany Road boundary.
2. The design and construction of the centre median, driveway and the kerb and gutter on Botany Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Detailed design plans of the proposed centre median, driveway, kerb, and gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

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

3. The proposed modification of the Traffic Control Signal (TCS) site at the intersection of Botany Road shall be designed to meet TfNSW requirements. The TCS plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on www.transport.nsw.gov.au). The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a construction certificate and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

4. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system, the discharge into the existing pit and its connection to the existing pit are to be submitted to TfNSW for approval prior to the commencement of any works.

Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

5. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by

TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

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

6. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.
7. A construction zone will not be permitted on Botany Road. All construction vehicles are to be contained wholly within the site boundary.
8. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a construction certificate.
9. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Botany Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

SCHEDULE 1F

NSW POLICE CONDITIONS

1. Mailbox areas are to be located internally within the building, with swipe access only and CCTV positioned covering this area.
2. CCTV should be installed and operational at the main residential entry/exit, entries/exits to and from the ground level retail tenancy, internal mail room and entry/exit to and throughout the basement carpark. CCTV should be installed and operational within residential lifts and stairs. CCTV should be installed and operational to bicycle parking racks.
3. Signage is to be installed to residential storage cages within the basement reading 'Valuables not to be left in storage cages'. Storage cages are to be secure and appropriately screened or constructed to prevent visibility to contents contained within.
4. Signage is to be installed to bicycle parking racks reading 'Bikes to be secured at all times when parked'.
5. Adequate lighting should be positioned within the premise and surrounding areas of the buildings to aid visibility at night.
6. Secure entry and exit point for basement carpark using secure door with swipe access only.
7. Clear signage indicating the building number and building name is to be clearly displayed, with suitable lighting to allow clear visibility during the night.
8. Warning signs "CCTV in use at all times, do not leave valuables in your vehicle, trespassers will be prosecuted" to be clearly displayed in basement parking areas.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of development consent of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

