

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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**SCHEDULE 1**  
**CONDITIONS OF CONSENT**  
**PART A - GENERAL**

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2021/1512 dated 29 December 2021 and the following drawings prepared by MERITON:

Drawing Number	Drawing Name	Date
DA0020 Q	Floor Plan Level 1 Carparking Plan (Stage C-D)	05.08.22
DA0021 AJ	Floor Plan Level 2 Carparking Plan (Stage C-D)	05.08.22
DA0022 AJ	Floor Plan Level 3 Carparking Plan (Stage C-D)	05.08.22
DA0023 AG	Floor Plan Level 4 Plan (Stage C-D)	05.08.22
DA0024 AD	Floor Plan Level 5 Plan (Stage C-D)	05.08.22
DA0025 AA	Floor Plan Level 6 Plan (Stage C-D)	05.08.22
DA0026 AA	Floor Plan Level 7 Plan (Stage C-D)	05.08.22
DA0027 AC	Floor Plan Level 8 Plan (Stage C-D)	05.08.22
DA0028 AE	Floor Plan Level 9 Plan (Stage C-D)	05.08.22
DA0029 AD	Floor Plan Level 10 Plan (Stage C-D)	05.08.22
DA0030 X	Floor Plan Level 11 Plan (Stage C-D)	05.08.22
DA0031 AA	Floor Plan Level 12 Plan (Stage C-D)	05.08.22
DA0032 Z	Floor Plan Level 13 Plan (Stage C-D)	05.08.22
DA0033 W	Floor Plan Level 14 Plan (Stage C-D)	05.08.22
DA0034 Q	Floor Plan Level 15 Plan (Stage C-D)	05.08.22

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) USE - SEPARATE DA REQUIRED**

No consent is granted or implied for the fit out or specific use of the retail tenancy.

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

**Reason**

To require separate consent to be obtained for a use.

**(3) 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.

**Reason**

To ensure designated areas within the development are maintained as common property.

**(4) 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.

**Reason**

To ensure accessible vehicle parking spaces are allocated to adaptable units.

**(5) 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 (or card controller system) 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*.

**Reason**

To maintain the orderly operation of vehicle parking areas.

**(6) PARKING ON COMMON PROPERTY AREAS**

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

**Reason**

To ensure designated areas within the development are maintained as common property.

**(7) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) An updated Waste and Recycling Management Plan is to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any Occupation Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*.
- (c) The updated Waste and Recycling Management Plan must include:
  - (i) Marked up plans of the existing chute discharge rooms and details on how the chute will be secured to ensure safety and confirmation that residents would not have access to the chute room;
  - (ii) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point;
  - (iii) If consolidation of 240L bins into 1,100L bins are proposed, identify space for a 240L bin lifter and confirmation that the owners will be responsible for the costs of replacing any red 1,100L bins where in-bin compaction is used;
  - (iv) All nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by Council's *Guidelines for Waste Management in New Developments 2018*.
- (d) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

**Reason**

To ensure that waste and recycling is appropriately managed.

**(8) SIGNAGE TO INDICATE NON-PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be permanently displayed and located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times by the Owners of the building.

**Reason**

To ensure all owners, tenants and occupiers of the building are aware that they are not eligible to obtain an on-street resident parking permit.

**(9) DUAL KEY APARTMENTS**

All dual key apartments must remain on a single strata lot or otherwise not be subdivided. A covenant is to be placed on the title of all dual key apartments and the subject land prohibiting strata subdivision in any form of dual key apartments. Evidence of the creation of the covenant is to be submitted prior to the issue of an Occupation Certificate.

**Reason**

To ensure all dual key apartments remain on a single strata lot in any future strata subdivision.

**PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**There are no conditions relevant to Part B.**

**PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

**There are no conditions relevant to Part C.**

**PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

**There are no conditions relevant to Part D.**

## **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(10) LETTERBOXES**

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Occupation Certificate.
- (b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within existing secure building lobbies.
- (d) The letterboxes approved under subsection (a) above must be installed prior to the issue of any Occupation Certificate.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

#### **Reason**

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

### **(11) REMOVAL OF SIGN**

All existing signage, including the top of building sign, relating to the use of the site as a serviced apartment are to be removed prior to any Occupation Certificate being issued.

#### **Reason**

To require the removal of existing signage that do not relate to the approved use of the site.

### **(12) BASIX**

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

#### **Reason**

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

### **(13) RESTRICTION ON USE OF CAR SPACES**

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.

#### **Reason**

To ensure the on-site car parking spaces are not to be used other than by an occupant, tenant or resident of the building.



## **PART F – OCCUPATION AND ONGOING USE**

### **(14) 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.

#### **Reason**

To ensure the site is authorised for occupation.

### **(15) ON SITE LOADING AREAS AND OPERATION**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site or within the dedicated loading area located on the adjoining property, being 28 Danks Street Zetland, 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.

#### **Reason**

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

### **(16) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 10.8m.

#### **Reason**

To maintain the orderly operation of vehicle parking and loading areas.

### **(17) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

(a) The collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.

(b) Garbage and recycling must not be placed on the street for collection.

#### **Reason**

To ensure that waste and recycling is appropriately managed.

## **(18) USE OF COMMON AREAS AND FACILITIES**

The roof top communal space and podium communal space must be available for the use all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

### **Reason**

To ensure designated areas within the residential development are maintained as common property.

## **(19) CAR WASH BAYS**

- (a) All car wash bays must have connections to water and sewer.
- (b) All car washing must be conducted in a wash bay which is roofed and bunded to exclude rainwater, and which is graded to an internal drainage point connected to sewer in accordance with the trade waste agreement obtained from Sydney Water. Car wash runoff must not enter the stormwater drainage system or give rise to water pollution.

### **Reason**

To ensure the premises has access to water and sewer and to that runoff is discharged appropriately.

## **(20) 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.

### **Reason**

To ensure car park ventilation complies with relevant standards.

## **(21) NUMBER OF ADULTS PER ROOM**

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

### **Reason**

To prevent overcrowding.

**(22) HOURS OF OPERATION – RETAIL TENANCY**

The hours of operation of the food and drink tenancies are restricted to 7.00am and 10.00pm Monday to Saturday, and 7.00am to 8.00pm Sunday or a public holiday.

**Reason**

To ensure the premises operates within the approved hours of operation.

## 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 the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>