

# **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/2021/1528 dated 22 December 2021 and the following drawings prepared by COLLINS AND TURNER:

Drawing Number	Drawing Name	Date
322_DA_131 Rev 02	Ground Floor Demolition Plan	07.12.21
322_DA_132 Rev 02	Level 1 Demolition Plan	07.12.21
322_DA_201 Rev 06	Ground Floor Plan	23.09.22
322_DA_202 Rev 04	Level 1 Plan	23.09.22
322_DA_203 Rev 03	Roof Plan	23.09.22
322_DA_301 Rev 03	North Elevations	23.09.22
322_DA_302 Rev 03	East & West Elevations	23.09.22
322_DA_303 Rev 03	South Elevation	23.09.22
322_ _304 Rev 03	Detailed Elevations	23.09.22
322_ _305 Rev 03	Detailed Elevations	23.09.22
322_ _306 Rev 03	Detailed Elevations	23.09.22
322_ _307 Rev 03	Detailed Elevation – Screen Head Height Clearance	23.09.22
322_DA_401 Rev 04	Sections	23.09.22
322_DA_601 Rev 02	External Signage Details	07.12.21
322_DA_701 Rev 03	Materials Board	15.12.21

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) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT**

A physical material sample board, generally consistent with the approved *Materials Board* specified in Condition (1) above, 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 a Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

### **Reason**

To require the submission of a materials and samples board following assessment of the development.

### **(3) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD**

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the physical material sample board required by Condition (2) above.

### **Reason**

To ensure all parties are aware of the approved materials and finishes that apply to the development.

### **(4) LANDSCAPING OF THE SITE**

- (a) An updated landscape package including plans and details drawn to scale, and technical specification, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. These documents 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 deep soil areas including clean fill and marker layer in accordance with an approved Remediation Action Plan.
  - (iv) Details of planting and earthworks in accordance with capping specifications recommended in an approved Remediation Action Plan.
  - (v) 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.
  - (vi) 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.
  - (vii) Details of drainage, waterproofing and watering systems.
  - (viii) Location of stormwater devices such as detention tanks should not impede upon areas of deep soil.

- (ix) Provision of canopy cover and landscape areas in accordance with the landscape package (revision 07, dated 18 April 2023) prepared by Gallagher Studio (council's reference: 2023/208303-03).
  - (x) 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. 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 any Occupation Certificate being issued.

**Reason**

To ensure the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

**(5) SIGNS - SEPARATE DA REQUIRED**

- (a) A separate development application for any proposed signs must be submitted to and approved by Council prior to the erection or display of any such signs. The development application must include information and scale drawings of the location, type, construction, and materials of the signs.
- (b) All future signage must be generally consistent with the approved signage strategy referenced in Condition (1), and as modified by the conditions of this development consent. In the event of any inconsistency, the conditions of this consent will prevail over the approved signage strategy.

**Reason**

To require separate consent to be obtained for any signs.

**(6) ENVIRONMENTAL MANAGEMENT PLAN**

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

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

**Reason**

To ensure that contamination is appropriately managed.

## (7) 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](mailto: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.

### **Reason**

To ensure that the site is appropriately remediated.

## (8) GREEN TRAVEL PLAN AND TRANSPORT ACCESS GUIDE

- (a) The Green Travel Plan (GTP) and Transport Access Guide (TAG) that are submitted with this application must be implemented and maintained (updated/revised from time to time) by the operators of the premises and be made available to staff, clients, customers and visitors at all times.
- (b) Monitoring report to be submitted to the Area Planning Manager of the Council as detailed in the GTP. TAG should specially refer to the users of the site in the case of full capacity gathering / function/ special sporting etc. through the booking system and/or all sorts of communication (electronic and printed) media.

### **Reason**

To ensure the promotion of sustainable transport modes.

**(9) GUEST PICK-UP AND DROP-OFF MANAGEMENT PLAN**

- (a) A Guest Pick-up and Drop-off Management Plan demonstrating management of all vehicular movements associated with guest arrivals, departures and tours, and their potential impacts on surrounding streets must be submitted to and approved by the City's Area Planning Manager prior to the issue of any Occupation Certificate or the commencement of use, whichever is earlier.
- (b) The management plan must include the following:
  - (i) An outline of the quantity and frequency of visits per day, including time of day, of vehicles likely to be received for guest drop-off and pick-up and tour groups/services
  - (ii) Details of coach/vehicle sizes likely to be used to accommodate guest arrivals, departures and tours
  - (iii) All changes proposed to be sought to street parking restrictions to accommodate guest drop-off and pick-up, including locations and proposed restrictions. Contact should be made with Joseph Gomes, Traffic Operations Manager-South on telephone 02-9246 7588.
  - (iv) Details of how guest arrivals and departures would be managed if changes to street parking restrictions are not supported
  - (v) Management of guests, luggage and/or trolleys to ensure the public footpath remains unobstructed for use of pedestrians.

**Reason**

To ensure appropriate management of pick-up and drop-off of guests.

**(10) LOADING AND SERVICING MANAGEMENT PLAN**

- (a) A Loading and Servicing Management Plan must be submitted to and approved by Council's Area Planning Manager prior to the commencement of use or the issue of any Occupation Certificate, whichever is earlier.
- (b) The Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including minibus, delivery vehicles, garbage collection, service vehicles 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 and the driveway for 4A-4F Huntley Street, Alexandria. The management of the plan needs to be able to respond to changes in the surrounding road environment and be updated accordingly.
- (c) Once approved, the Loading and Servicing Management Plan must be provided to all tenants and external users.

**Reason**

To maintain the orderly management of loading and servicing associated with the development.

**(11) TRAFFIC WORKS**

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

**Reason**

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with relevant requirements.

**(12) CHANGES TO KERB SIDE PARKING RESTRICTIONS**

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development/use.

All costs associated with the parking proposal will be borne by the developer.

Note: The applicant is to contact the Area Traffic Engineer to discuss the proposal before making a submission.

**Reason**

To require separate consent to be obtained for changes to kerb side parking arrangements.

**(13) PARKING PLAN**

The applicant must undertake a review of the on-street parking restrictions on the development's frontages in line with the Condition 11.

Two plans must be prepared, one showing the existing parking restrictions, and one showing the proposed parking restrictions. Both plans must include the parking restrictions and the locations of all parking signs and stems, and their chainages from the nearest intersection.

The plans must be submitted with the public domain plan. The plans must be approved by Council's Area Traffic Engineer, and receive concurrence from the Pedestrian Cycling and Traffic Calming Committee.

All parking signs are to be installed at no cost to Council and must be installed prior to an Occupation Certificate being issued.

Note: The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant Council officer being satisfied with the proposal.

**Reason**

To ensure parking facilities are designed in accordance with the Australian Standards.

**(14) COST OF SIGNPOSTING**

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

**Reason**

To ensure all associated roadway works costs are borne by the developer.

**(15) SIGNS AT EGRESS**

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

- (a) Compelling drivers to stop before proceeding onto the public way
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

**Reason**

To ensure the safety of surrounding pedestrians and cyclists.

**(16) VEHICLE FOOTWAY CROSSING**

- (a) A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.
- (b) All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers.
- (c) All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

**Reason**



To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

**(17) TREES APPROVED FOR REMOVAL**

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

Table 1 – Tree Removal:

Tree No	Species Name	Location
8	Syagrus romanzoffiana	Refer to the Arboricultural Impact Assessment Report prepared by Earthscape dated March 2022 for tree locations and numbers.
9	Casuarina glauca	
10	Casuarina glauca	

- (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.

**Reason**

To identify the trees that can be removed.

**(18) TREES THAT MUST BE RETAINED**

The existing trees detailed in Table 2 below must be retained and protected in accordance with the conditions of consent throughout the construction and development.

Table 2 – Tree Retention:

Tree No	Species Name	Location
1	Angophora costata	Refer to the Arboricultural Impact Assessment Report prepared by Earthscape dated March 2022 for tree locations and numbers.
2	Angophora costata	
3	Eucalyptus microcorys	
4	Eucalyptus microcorys	
5	Eucalyptus microcorys	
6	Casuarina cunninghamiana	
7	Melaleuca quinquenervia	

**Reason**

To identify the trees that cannot be removed, must be retained and protected.

## **(19) 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 detailed below:
  - (i) The installation of tree protection measures prior to the commencement of any construction works;
  - (ii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
  - (iii) During construction of the specify structure/deck/concrete slab etc);
  - (iv) During any excavation and trenching within the TPZ which has been approved by Council;
  - (v) During any Landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by Council's Area Planning Manager at each hold point listed below:
  - (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
  - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
  - (iii) Monthly reporting for the duration of construction and development works within the site;
  - (iv) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
- (c) A final compliance report must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager prior to the issue of any Occupation Certificate.

### **Reason**

To ensure the protection and ongoing health of trees on the site.

## **(20) 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".

**Reason**

To ensure appropriate and safe paving materials are used.

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

### (21) 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
Staff	3	Class B bicycle parking facility in accordance with AS2890.3
Customer	18	
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	25	

#### Notes:

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. The details must be submitted to and approved by the Accredited Certifier confirming prior to and form part of the Construction Certificate being issued.

#### **Reason**

To ensure the allocation of bicycle parking is in accordance with Australian Standards and the Council's DCP.

### (22) TREE PROTECTION PLANS

All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Construction Certificate shall clearly show on all drawings the retention of trees as required by these conditions of consent, the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).

#### **Reason**

To ensure the protection and ongoing health of trees.

### (23) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste and Recycling Management Plan, which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, is to be approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

- (b) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

**Reason**

To ensure that waste and recycling is appropriately managed.

**(24) NATIONAL CONSTRUCTION CODE COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE BUILDING IS REQUIRED**

- (a) Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021 an assessment of the development proposal has been undertaken and:
  - (i) As more than 50 percent of the volume of the building is proposed to be altered or has been altered over the previous 3 year period; and/or
  - (ii) The measures contained in the building are inadequate to protect persons using the building and to facilitate their egress from the building in the event of fire, or to restrict the spread of fire from the building to other buildings nearby, it has been determined that the whole building must be brought into total conformity with the *National Construction Code (previously known as Building Code of Australia)*.
- (b) If compliance with (a) above cannot be achieved through the deemed-to-satisfy pathway, a performance solution in accordance with Part A2 of the NCC (previously known as BCA) must be prepared and submitted to the Registered Certifier illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.

**Reason**

To ensure the works comply with relevant regulations.

**(25) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS**

A qualified practising registered structural engineer must provide structural certification to Council (where Council is the Accredited Certifier) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the *National Construction Code (previously known as Building Code of Australia)* prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing

structural performance of the building including its performance under earthquake actions (AS1170.4).

**Reason**

To ensure the existing structure can support the new loads.

**(26) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

**Reason**

To ensure that the impacts of construction traffic is appropriately managed.

**(27) STORMWATER WATER QUALITY**

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER), for stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance of the approved reports above shall be submitted to and be approved by the Principal Certifying Authority. The approval report shall be provided to the City of Sydney's Principal Engineer – Water Assets prior to the commencement of the work.

**Reason**

To ensure appropriate stormwater quality on the site.

**(28) DEWATERING**

Prior approval must be sought from the City's Public Domain Unit to discharge any groundwater into the City's stormwater drainage system.

Other 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.

**Reason**

To ensure dewatering is undertaken appropriately.

**(29) STORMWATER DRAINAGE DESIGN**

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

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (iv) Council's Stormwater Drainage Manual; and
- (v) 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 may be required prior to issue of any Occupation Certificate.

Note: The total discharge per site from kerb outlets is not to exceed 25Litres/sec. If site discharge is greater connection must be made to Council kerb inlet pit. If no kerb inlet pit exists, an extension of the Council storm water pipe system is required with a minimum 375mm diameter RCP.

#### **Reason**

To ensure stormwater drainage design complies with Council's requirements.

### **(30) 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. 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.

**Reason**

To ensure the preservation of existing survey infrastructure.

**(31) PUBLIC DOMAIN LEVELS AND GRADIENTS**

Prior to any Construction Certificate for the development being issued, alignment levels for the building and site frontages must be prepared and approved by the City's Engineer – Road and Structural Assets. The submission must be in accordance with the City of Sydney's Public Domain Manual.

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: Levels and Gradient plans will be included with the completed construction level Public Domain Plan documentation and the stamped plans will be issued with the s138 approval.

**Reason**

To ensure public domain levels and gradients comply with Council's requirements.

**(32) 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 and B8*, *Sydney Lights 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>.

This submission should include vertical and horizontal illuminance plots, and the location, type and category of existing and proposed lights as described in the Public Domain Manual.

Huntley Street:

1. Lighting standards compliance of AS1158.1.1 Category V3 on the roadway and AS1158.3.1 category PP1 on the footways must be achieved.
2. Upgrade Ausgrid street lighting using network standard LED luminaires.

Lighting Designs:

- Lighting design certified by a suitably qualified practicing lighting engineer must be submitted for council review and approval prior to a Construction Certificate being issued for public domain works.



- Lighting design submission requirements are specified in “Sydney Streets Technical Specifications, A5: Street Lighting Design”.

**Reason**

To ensure pedestrian and street lighting in the public domain complies with Council’s requirements.

**(33) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels as approved by the City’s Principal Engineer Water Assets.

Details and evidence of approval from the City’s Principal Engineer Water Assets shall be submitted to the Principal Certifying authority demonstrating that the development will comply with the recommended flood planning levels prior to issue of a construction certificate.

**Reason**

To ensure the development complies with the recommended flood planning levels.

**(34) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

- (a) Prior to the issue of any Construction Certificate, the Principal Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Robert Morgan of LCI Consultants, dated 5 April 2022 (Council’s Reference: 2022/228157-05) are incorporated into the relevant construction plans and accompanying documentation:
  - (ii) Section 4 – Energy Efficiency and Greenhouse Gas Abatement
  - (iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
  - (iv) Section 6 – On site Renewable Energy Generation and Storage
  - (vi) Section 8 – Designing for mains potable water savings and water efficiency
- (b) Changes to any commitments listed in the approved Design for Environmental Performance report must be submitted to and approved by Council’s Area Planning Manager/Coordinator prior to the issue of any relevant Construction Certificate.

**Reason**

To ensure the environmental performance of the development.

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

### **(35) STREET TREE PRUNING**

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

#### **Reason**

To ensure that approval is obtained for any pruning works to, or removal of, street trees and that such works are carried out in an appropriate manner.

### **(36) TREE PRUNING**

- (a) A separate permit to prune any trees within or adjacent to the property and/or any pruning of tree roots must be obtained from Council prior to any works being undertaken.
- (b) All pruning must be carried out by a qualified Arborist (AQF Level 3 Arboriculture) and must be in accordance with AS4373-2007 Australian Standard 'Pruning of Amenity Trees'.

#### **Reason**

To ensure that approval is obtained for any pruning works to, or removal of, street trees and that such works are carried out in an appropriate manner.

### **(37) 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) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (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 is provided and maintained (Clauses 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 any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 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*).

**Reason**

To ensure the necessary approval is obtained for temporary structures over a public road.

**(38) 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 Coordinator Planning Assessments / 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.

**Reason**

To ensure that hazardous materials on the site are identified and appropriately managed.

### **(39) 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* (Department of Urban Affairs and Planning 1998) and the *State Environmental Planning Policy (Resilience and Hazards 2021)* 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.

#### **Reason**

To ensure the removal of underground petroleum storage tanks is appropriately managed.

### **(40) 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.

**Reason**

To ensure the removal of underground petroleum storage tanks and contamination of the site is appropriately managed.

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

### **(41) 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 (e.g. 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 separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 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 Team, 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*.

#### **Reason**

To protect the amenity of the surrounding area.

### **(42) 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 docket are to be retained to confirm and verify which facility received the material for recycling or disposal.
- (d) Waste docket 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.

**Reason**

To ensure that demolition and construction waste is appropriately managed.

**(43) 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.

**Reason**

To allow adequate vehicular access to the site.

**(44) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate 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.

**Reason**

To protect the amenity of the public domain.

**(45) 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.

**Reason**

To ensure loads are managed appropriately and do not impact local amenity.

**(46) 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.

**Reason**

To ensure sediment is not tracked onto the roadway.

**(47) NO OBSTRUCTION OF PUBLIC WAY**

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

**Reason**

To protect the amenity of the public domain.

**(48) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

**Reason**

To ensure mobile cranes are used appropriately.



#### **(49) 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.

**Reason**

To ensure that the handling and removal of asbestos from the site is appropriately managed.

**(50) SYDNEY WATER CERTIFICATE**

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

**Reason**

To ensure the requirements of Sydney Water are met.

**(51) COMPLIANCE WITH ARBORICULTURAL IMPACT ASSESSMENT**

All recommendations, Tree Protection, and Methodology Statements contained in the Arboricultural Impact Assessment Report prepared by Earthscape dated March 2022 must be implemented during the demolition, construction and use of the development, including the following:

- (a) Tree Protection Zone detailed in the report distance must be complied with;
- (b) Tree Protection Measures to be installed in accordance with Section 10 and Appendix 6;
- (c) All works within the TPZ of any tree to be retained must be undertaken in accordance with Section 10 and Appendix 6 of the report;
- (d) The new retaining walls where they are located within the TPZ of any tree to be retained must be constructed in accordance 10 of the report.

**Reason**

To ensure that works affecting trees are carried out in an appropriate manner and in accordance with the approved arborist's report.

## **(52) STREET TREE PROTECTION**

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

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by a qualified Arborist (AQR Level 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
  - (ii) Tree trunk/s and/or major branches must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within [specify] metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or

redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.

- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

**Reason**

To ensure the protection and ongoing health of the street trees.

**(53) DRAINAGE AND SERVICE PIT LIDS**

All existing or proposed drainage and service pit lids throughout the public domain must 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 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.

**Reason**

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

**(54) 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.

**Reason**

To ensure hold points are adhered to during construction works.

## **(55) PUBLIC DOMAIN LIGHTING RETICULATION**

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's *Sydney Lights 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>.

If applicable, this public domain lighting documentation must 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.

### **Reason**

To ensure the public domain lighting documentation complies with Council requirements.

## **(56) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by 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 complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*. The documentation must be *checked, 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.

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>.

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 City's Public Domain Unit to reflect these changes prior to an approval being issued for the construction of public domain work.

### **Reason**

To ensure the public domain complies with Council's requirements.

#### **(57) 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.

#### **Reason**

To ensure that imported fill is not contaminated.

#### **(58) 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, Part 1: 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.

#### **Reason**

To ensure that waste from site is classified and disposed of appropriately.

#### **(59) 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.

#### **Reason**

To ensure that the discharge of ground water is appropriately managed.

## **(60) 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.

### **Reason**

(Prescribed condition EP&A Regulation, clauses 98A (2) and (3)).

**(61) 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.

**Reason**

To protect the amenity of the surrounding area.

**(62) LAND REMEDIATION (Where Site Auditor engaged)**

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by JBS&G Australia Pty Ltd dated 24 March 2023, reference number 60758/138,121 (Rev 0) and the Letter of Interim Advice prepared by NSW Environment Protection Authority Accredited Site Auditor Julie Evans dated 28 April 2023 (Council's reference 2023/208303-01). 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.

**Reason**

To ensure that the site is appropriately remediated.

**(63) 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.

**Reason**

To ensure that the site is appropriately remediated.

**(64) 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.

**Reason**

To ensure that stockpiles of soil or other materials are appropriately managed.

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

### **(65) ALTERATIONS TO TRAFFIC AND PARKING ARRANGEMENTS ON HUNTLEY STREET**

The marked crossing on Huntley Street and all proposed changes to the parking arrangements along the subject site's frontage to Huntley Street must be installed/completed prior to the commencement of use or the issue of any Occupation Certificate, whichever is earlier.

#### **Reason**

To ensure the improvements to the traffic conditions of Huntley Street are implemented.

### **(66) FLOOD RISK MANAGEMENT**

Prior to the issue of any Occupation Certificate, a certification report prepared by a suitably qualified practitioner engineer (NPER), for flood risk management measures including flood planning level/s demonstrating compliance with the approved construction plans shall be submitted to and be approved by the Principal Certifying Authority. A copy of the report shall be provided to Council for record keeping purposes.

#### **Reason**

To ensure flood risk management measures are complied with.

### **(67) 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, Public Domain Lighting, the City's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.

The public domain work must be inspected and a Public Domain Work 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.

#### **Reason**

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

### **(68) 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 certificate of Practical Completion 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.

**Reason**

To allow for deferment of survey marks.

**(69) 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. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

**Reason**

To ensure Council receives works-as-executed documentation for public domain works.

**(70) 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 required by Condition 39 above.

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.

**Reason**

To ensure that hazardous materials on the site are appropriately managed.

## **(71) REGISTRATION OF COVENANT**

Prior to the issue of any Occupation Certificate, a covenant must be registered on the title of the land and a copy of the title submitted to the Council's Area Planning Manager and the Principal Certifier.

This covenant must be registered on the title of the land binding the owners and future owners with the responsibility for the ongoing maintenance and rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

### **Reason**

To ensure that contamination is appropriately managed.

## **(72) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN**

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor and Council's Area Planning Manager prior to the issue of the final Site Audit Statement.

The owner of the land is required to comply with the ongoing obligations of any EMP which form part of the final Site Audit Statement for the site.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

### **Reason**

To ensure that contamination is appropriately managed.

## **(73) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.

### **Reason**

To ensure that waste and recycling is appropriately managed.

### **(74) ADVANCE TREE PLANTING**

All new tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing any Occupation Certificate.

- (a) New trees shall be consistent with the landscape package approved under Condition (4) above.
- (b) The tree must be grown in accordance with the Australian Standard 2303 'Trees stock for landscape use'.
- (c) At the time of planting, the container size is to be a minimum of 200 litres and a minimum height of 3.5 metres.
- (d) New trees must be planted in natural ground with adequate soil volume to allow healthy tree 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 healthy tree maturity to be achieved without restrictions.
- (f) New tree must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF).
- (g) New trees 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) Prior to the issue of any Occupation Certificate, suitable documentation (including a written statement and photographic evidence) is to be submitted to Council for review and written confirmation is to be obtained from Council's Area Planning Coordinator | Area Planning Manager confirming all trees have been planted to Council's satisfaction (excluding tree maintenance).
- (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.

### **Reason**

To ensure the provision and maintenance of adequate tree planting on site.

### **(75) 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.

**Reason**

To ensure the provision of an appropriate physical model of the development.

**(76) 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.

**Reason**

To ensure the provision of an appropriate electronic model of the development.



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

### **(77) 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.

### **(78) HOURS OF OPERATION – GROUND FLOOR COURTS**

(a) The hours of operation are restricted to between 8.00am and 11.00pm Mondays to Sundays.

(b) Notwithstanding (a) above, staff may set up/clean up between 7.00am and 11.30pm, Mondays to Sundays.

#### **Reason**

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

### **(79) HOURS OF OPERATION – LEVEL 1 GYM/FITNESS SPACE**

(a) The hours of operation are restricted to between 5.30am and 11.00pm Mondays to Fridays, and between 6.00am and 10.00pm Saturdays and Sundays.

(b) Notwithstanding (a) above, staff may set up/clean up between 5.00am and 11.30pm Mondays to Fridays, and between 5.30am and 10.30pm Saturdays and Sundays.

#### **Reason**

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

### **(80) PLAN OF MANAGEMENT**

The use must always be operated and managed in accordance with the Management Plan, prepared by the City of Sydney Council dated 10 September 2020 (2021/565395). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

#### **Reason**

To ensure the site is authorised for occupation.



**(81) ON SITE LOADING AREAS AND OPERATION**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**Reason**

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

**(82) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 9.25m.

**Reason**

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

**(83) VEHICLE ACCESS**

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

**Reason**

To ensure traffic safety of the site and the public domain.

**(84) WASTE/RECYCLING COLLECTION**

- (a) Waste storage and 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) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.
- (c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

**Reason**

To ensure that waste and recycling is appropriately managed.

**(85) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT**

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

**Reason**

To protect the acoustic amenity of surrounding properties.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

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

- Section 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
- Section 70 Erection of signs
- Section 71 Notification of *Home Building Act 1989* requirements
- Section 72 Conditions relating to entertainment venues
- Section 73 Conditions relating to maximum capacity signage
- Section 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>

### SCHEDULE 3

#### CONDITIONS AND ADVISORY NOTES RECOMMENDED BY EXTERNAL REFERRAL AUTHORITIES

##### (86) SYDNEY WATER – BUILDING PLAN APPROVAL

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

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

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

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

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

##### (87) SYDNEY WATER – OUT OF SCOPE BUILDING PLAN APPROVAL

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
  - Wastewater pipes larger than 300mm in size
  - Pressure wastewater pipes
  - Drinking water or recycled water pipes
  - Our property boundary
  - An easement in our favour
  - Stormwater infrastructure within 10m of the property boundary.

2. Where the building plan includes:
- Construction of a retaining wall over, or within the zone of influence of our assets
  - Excavation of a basement or building over, or adjacent to, one of our assets
  - Dewatering – removing water from solid material or soil.
  - The detailed review is to ensure that:
  - our assets will not be damaged during, or because of the construction of the development
  - we can access our assets for operation and maintenance
  - your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

*SYDNEY WATER'S ADVISORY NOTE:*

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and Diagram 5 – Planting Trees within our Technical guidelines – Building over and adjacent to pipe assets. Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

This advice is not formal approval of our requirements. Detailed requirements, including any potential alterations or adjustments, will be provided once the development is referred to Sydney Water for a Building Plan Approval. More information about the Building Plan Approval process is available on our Land Development web page.

If you require any further information, please contact the Growth Planning Team at [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

**(88) AUSGRID – OVERHEAD POWERLINES**

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a

statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

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

#### **(89) AUSGRID – UNDERGROUND CABLES**

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

#### **(90) SYDNEY AIRPORT**

- (a) The building must not exceed a maximum height of 17 metres AHD, this includes all lift over-runs, vents, chimneys, aerials, TV antennas, construction cranes etc. Any height exceedance would require a separate approval to be obtained.
- (b) Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- (c) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitments to construct.