

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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**DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

**(A) PART A – DEFERRED COMMENCEMENT CONDITIONS**

**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

**(1) VOLUNTARY PLANNING AGREEMENT**

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and SMART DESIGN PROPERTY PTY as trustee for Smart Design Property Trust shall be exhibited, executed and submitted to Council; and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

**(2)** Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

**(3)** The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

**(4)** Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### SCHEDULE 1

#### CONDITIONS OF CONSENT

##### PART A - GENERAL

###### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/388 dated 10 May 2023 and the following drawings prepared by Smart Design Studio:

Drawing Number	Drawing Name	Date
DA001 Rev C	Site Plan	6 October 2023
DA050 Rev B	Demolition Plan	1 September 2023
DA099 Rev C	Basement	6 October 2023
DA100 Rev C	Ground Floor Plan	6 October 2023
DA101 Rev C	Level 1 Plan	6 October 2023
DA102 Rev C	Level 2 Plan	6 October 2023
DA103 Rev C	Level 3 Plan	6 October 2023
DA104 Rev C	Level 4 Plan	6 October 2023
DA105 Rev C	Roof Plan	6 October 2023
DA300 Rev C	West Elev	6 October 2023
DA301 Rev C	South Elev	6 October 2023
DA302 Rev C	East Elev	6 October 2023
DA303 Rev C	North Elev	6 October 2023
DA400 Rev C	Section A	6 October 2023
DA401 Rev C	Section B	6 October 2023
DA402 Rev C	Section C	6 October 2023

And the following plan of proposed subdivision prepared by Guiseppe John Bottaro:

Drawing Number	Drawing Name	Date
12194-9	Plan of subdivision of	11 August 2023

	Lot 101 in DP 1238296	
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And the following plan prepared by Fieldwork:

Drawing Number	Drawing Name	Date
LCP-03 Rev D	Landscape Plan	13 February 2024

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) AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE OR EMPLOYMENT LANDS – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE**

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$536,837.25 (indexed at 1 March 2023). This is calculated by establishing the sum of the equivalent monetary contribution \$10,611.53 multiplied by 1% of the total floor area for non-residential development (5,059sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2023 to 29 February 2024, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment =  $C \times MDP2 / MDP1$ , where:
- (i) C is the original total contribution amount payable to the City of Sydney as shown above;
  - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
  - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being 1 March 2023 to 29 February 2024.

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

**Reason**

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

**(3) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH PRECINCT**

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

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$298,861.13
Community Facilities	\$46,463.26
Traffic and Transport	\$379,384.32
Stormwater Drainage	\$150,021.20
Total	\$874,729.91

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

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

Where:

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

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

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

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 135.8 for the September 2023 quarter.

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

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

The section 7.11 contributions payable may be offset in accordance with the requirements and obligations identified in the Planning Agreement between The Council of the City of Sydney and Smart Design Property Pty Ltd.

**Reason**

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

**(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT**

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition 1 are to be complied with.

In accordance with the Planning Agreement:

- (a) The provision of the guarantee is required prior to the first Construction Certificate and
- (b) The completion of the developer's works and transfer of land are required prior to the first Occupation Certificate.

**Reason**

To ensure the development complies with all terms of the planning agreement.

**(5) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 33.410 to the top of the lift overrun and RL 32.610 to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved height.

**(6) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the existing office building is 0.40:1 (1,451sqm of Gross Floor Area).

- (b) The Floor Space Ratio of the new office building is 1.09 (3,924sqm of Gross Floor Area).

Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Area in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved floor space ratio.

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

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

**Reason**

To require separate consent to be obtained for any additional signs.

**(8) TREES APPROVED FOR REMOVAL**

All trees detailed in the table below are approved for removal. Tree removal must not occur until the Construction Certificate has been issued.

<b>Tree Number</b>	<b>Species</b>	<b>Location</b>
1 - 4	<i>Betula nigra</i> (River Birch)	18 Stokes Avenue (along the north boundary)

All tree removal works must be carried out by a qualified Arborist, with a minimum AQF Level 3 and in accordance with SafeWork's Code of Practice - Amenity Tree Industry.

**Reason**

To identify the trees that can be removed.

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

The existing trees detailed in the table below are to be retained and protected in accordance with the conditions throughout construction and development.

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

<b>Tree Number</b>	<b>Species</b>	<b>Location</b>
5-7	<i>Betula nigra</i> (River Birch)	18 Stokes Avenue (along the east boundary)
8 & 9	<i>Lophostemon confertus</i> (Brush Box)	18 Stokes Avenue

**Reason**

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

**(10) SWINGING DOORS OVER PUBLIC WAY**

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

**Reason**

To ensure no element of the development obstructs the use of the public way.

**(11) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

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

**Reason**

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

**(12) NO OBSTRUCTIONS**

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

**Reason**

To ensure there are no obstructions on public footways and paths of travel.

**(13) LAND DEDICATION – NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN**

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



**Reason**

To ensure land to be dedicated to the City is not encumbered by an environmental management plan.

**(14) 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.

**(15) SECURITY GATES**

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

**Reason**

To ensure the public domain is kept free from physical obstructions.

**(16) VEHICLE FOOTWAY CROSSING**

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.

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. 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) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 6.4m, with maximum body height of 2.2m.

**Reason**

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

### **(18) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

#### **Reason**

To ensure all roadway works are designed and constructed in accordance with Council requirements.

### **(19) 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.

### **(20) CHANGES TO KERB SIDE PARKING RESTRICTIONS**

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

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include changes to all signs and stems from the kerb line of the nearest intersection.

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

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach 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.

### **(21) TRANSPORT ACCESS GUIDE**

A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times. The following information shall be submitted to and approved by Council prior to the issue of an Occupation Certificate for the site/use:

- A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes, and
- Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

**Reason**

To promote sustainable transport options for staff, clients, customers and visitors of the site.

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

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

The Loading and Servicing Management Plan must include the strategy for the management of all servicing of the site including 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. The management of the plan needs to be able to respond to changes in the surrounding road environment and be updated accordingly.

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

**Reason**

To ensure that loading and servicing is appropriately managed.

**(23) WASTE AND RECYCLING MANAGEMENT**

The proposal must comply with the relevant provisions of Council's Guidelines for Waste Management in New Developments 2018 which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

**Reason**

To ensure that waste and recycling is appropriately managed.

**(24) ARCHAEOLOGICAL ASSESSMENT**

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of a Construction Certificate. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.

Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.

Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.

**Reason**

To ensure that the archaeology of the site is appropriately managed and protected.

**(25) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS**

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

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

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

**Reason**

To ensure the salvaging and reuse of traditional building materials.

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

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

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
  - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure;
  - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving walls, services, furniture, shade structures, lighting and other features;
  - (iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;
  - (iv) 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;
  - (v) Details of drainage, waterproofing and watering systems;
  - (vi) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

#### **Reason**

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

### **(27) REFLECTIVITY**

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

#### **Reason**

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain.

## **(28) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT**

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Coordinator Planning Assessments / 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.

## **(29) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:

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

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

**Reason**

To ensure an adequate construction noise and vibration management plan is prepared.

**(30) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE**

- (a) A Tree Planting Plan must be submitted and approved by the City's Public Domain Unit prior to the issuing of any Construction Certificate. The plan must include and be consistent with the following requirements:
  - (i) Tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.
  - (ii) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.
  - (iii) The tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).
  - (iv) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:

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

OR

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

- (b) If opting to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:

- (i) The trees must be a minimum container size of 200 litre, at the time of planting.
- (ii) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.
- (iii) Certification from the tree supplier must be submitted to the City's Tree Management Officer and Public Domain Officer, prior to the trees being planted. The certification must confirm the tree(s) have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by the City.
- (iv) The trees must be planted by a qualified Arborist or Horticulturist (AQF Level 3) and be planted before the issuing of the final Occupation Certificate.
- (v) All new trees must be inspected and approved by the City's Tree Management Officer (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period.
- (vi) All trees planted in accordance with the approved Tree Planting Plan must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of twelve (12) months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (vii) At the end of the twelve (12) month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.
- (viii) If a tree fails to thrive and successfully establish during the maintenance period, then City will request payment for a replacement tree and establishment period according to the City's Schedule of Fees and Charges.

### **Reason**

To ensure that details of street trees to be planted are approved, the works are carried out in an appropriate manner and the trees are maintained following installation.

### **(31) PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.



### Reason

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

### (32) ALLOCATION OF PARKING

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

<b>Car Parking Type</b>	<b>Number</b>
Office and business parking (standard spaces)	7
Office and business parking (small car spaces)	5
Accessible office and business parking	2
Motorcycle parking	4
Service vehicle space	1

### Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

### (33) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

<b>Bicycle Parking Type</b>	<b>Number</b>	<b>Requirements</b>
Non-residential	40	Spaces must be Class 2 bicycle facilities
Non-residential visitor	20	Spaces must be Class 3 bicycle rails
<b>End of Trip Facility Type</b>	<b>Number</b>	
Showers with change area	4	
Personal lockers	60	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

- (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. Vertical bicycle parking should be provided with 500mm spaces (with 300mm vertical offset) per AS 2890.3, Figure B7. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

**Reason**

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

**(34) 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.

**(35) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 81 square metres of concrete site frontages must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

**Reason**

To allow for the appropriate management and rectification of damage to the public domain.

**(36) SURVEY INFRASTRUCTURE**

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General.

Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

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

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

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

#### **Reason**

To ensure the preservation of existing survey infrastructure.

### **(37) PUBLIC DOMAIN CONCEPT PLAN**

A public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline, must be prepared in accordance with the City's Public Domain Manual and Sydney Streets Code. It must be submitted to and approved by the City's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed Documentation for Construction condition).

#### **Reason**

To ensure public domain works comply with Council's requirements.

### **(38) PUBLIC DOMAIN LEVELS AND GRADIENTS**

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

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

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

**Reason**

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

**(39) STORMWATER DRAINAGE DESIGN**

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

A certified stormwater drainage design complying with:

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

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

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

**Reason**

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

**(40) STORMWATER ON-SITE DETENTION**

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

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

### **Reason**

To ensure the requirements of Sydney Water are complied with.

### **(41) STORMWATER QUALITY ASSESSMENT**

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

### **Reason**

To ensure appropriate stormwater quality on the site.

### **(42) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels indicated in Table 2 of the report titled "Flood Impact Assessment for Proposed Development at 18 Stokes Avenue, Alexandria" prepared by Dr. Nathan Cheah, Principal Engineer, Living Water Engineering Pty Ltd dated 9 November 2023.

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

### **Reason**

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

### **(43) 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>.

The lighting upgrade plan must cover all adjacent and new street frontages, being Stokes Avenue extension, and the new Balaclava Lane to the south of the development.

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

### **Reason**

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

### **(44) DILAPIDATION REPORT – PUBLIC DOMAIN**

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

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

### **Reason**

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

### **(45) NEW ROAD DESIGN**

- (a) Liaison with other authorities - Preparation of the detailed design and construction documentation for the proposed public road system must include all necessary liaison with, and requirements of, all relevant public utility authorities, Roads and Maritime Services, the City of Sydney, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to the City with the road design submission.
- (b) Design package and accompanying documentation – A design package must be prepared based on the requirements outlined in Council's Public Domain Manual. A design report for the road works must be prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All engineering plans and calculations must be checked, signed and certified by a suitably qualified practicing professional engineer and included in the report. The design package and report must be submitted to and approved by Council's Public Domain Manager prior to the construction of the road.

### **Reason**

To ensure the new road design complies with Council's policies, standards and specifications and those of all other relevant authorities.

#### **(46) TEMPORARY DEWATERING DURING CONSTRUCTION**

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

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

#### **Reason**

To ensure dewatering is managed appropriately.

#### **(47) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan, 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.
- (c) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
  - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste;
  - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development;
  - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's Guidelines for Waste Management in New Developments 2018;
  - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times;
  - (v) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14.

## UPON COMPLETION OF THE DEVELOPMENT

- (d) 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.

## **(48) ENERGY EFFICIENCY OF BUILDINGS**

The design of the building and its services must achieve a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5.5 stars as per the Department of Planning, Industry and Environment (DPIE). This is to be demonstrated by:

- (a) Entering into a Commitment Agreement with DPIE, to deliver this star rating for the base building. The applicant must provide a copy of the signed Commitment Agreement contract with their Construction Certificate application; and
- (b) Providing a copy of the independent energy assessment report to NABERS administration and submitting the same report with the Construction Certificate application. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to above are as follows:

- (i) Commitment Agreement means an agreement that is set out in accordance with DPIE. The NABERS Commitment Agreement, which is signed between DPIE and the applicant/building owner/building manager, to design, build and commission the premises to achieve an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by DPIE for measuring the energy efficiency of a building and known as NABERS the National Australian Built Environment Rating System.
- (iii) Base building means central services and common areas of a building, as defined under NABERS.

### **Reason**

To ensure the building is designed to meet an appropriate energy efficiency standard.



#### **(49) INSTALLATION OF DUAL FLUSH TOILETS**

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Registered Certifier, prior to a Construction Certificate being issued.

##### **Reason**

To ensure the provision of water efficient toilets.

#### **(50) INSTALLATION OF WATER EFFICIENT URINALS**

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Registered Certifier, prior to a Construction Certificate being issued.

##### **Reason**

To ensure the provision of water efficient urinals.

#### **(51) INSTALLATION OF WATER EFFICIENT TAPS**

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Registered Certifier, prior to a Construction Certificate being issued.

##### **Reason**

To ensure the provision of water efficient taps.

#### **(52) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

(a) Prior to the issue of a Construction Certificate, the Design for Environmental Performance Report prepared by William Smart dated Tuesday, May 2, 2023 (Council Ref: 2023/229223) is to be amended as follows:

(i) Section 4 – Energy Efficiency and Greenhouse Gas Abatement

Is to be updated to reflect City of Sydney DCP requirements. A commitment to a NABERS Offices Energy 5.5 Stars rating is to be identified as per new office buildings with Net Lettable Area 1000sqm or greater requirements.

- (b) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report are incorporated into the relevant construction plans and accompanying documentation:
  - (i) Section 4 – Energy Efficiency and Greenhouse Gas Abatement
  - (ii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
  - (iii) Section 6 – On site Renewable Energy Generation and Storage
  - (iv) Section 7 – Design for Resilience to Climate Change
  - (v) Section 8 – Designing for mains potable water savings and water efficiency
  - (vi) Section 9 – Storm water quality
- (c) Changes to any commitments including those required by part (a) of this condition and as 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.

**(53) OUTPUT CAPACITY OF PHOTOVOLTAIC SYSTEMS**

The architectural plans are to be amended to clearly identify a photovoltaic system, totalling a peak capacity in line with previously reported 333.6 kWp. The architectural plans are to specify area requirements and the output capacity for the photovoltaic systems.

The amended architectural plans 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 sustainability of energy sources.

## PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

### (54) TREE PROTECTION ZONE

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

#### TPZ Schedule

Tree no	Species name	Location	Radius (m) from trunk
5-7	<i>Betula nigra</i> (River Birch)	18 Stokes Avenue (along the east boundary)	2
8	<i>Lophostemon</i>	18 Stokes Avenue	2
9 & 10	<i>confertus</i> (Brush Box)		5

Note: Only applies to the TPZ within the subject development site and the public domain.

- (c) Ground surface protection must be installed if construction access is required through any TPZ of this condition where hard surface/paving is not existing. The ground protection must be:
  - (i) Protected with boarding (i.e. scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric.
  - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (d) The following works must be excluded from within any TPZs:
  - (i) Excavation except for the localised siting of piers/demolition of the concrete slab.
  - (ii) Soil cut or fill including trenching.
  - (iii) Soil cultivation, disturbance or compaction.
  - (iv) Stockpiling, storage or mixing of materials.
  - (v) The parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery.
  - (vi) The disposal of liquids and refuelling.
  - (vii) The disposal of building materials.

- (viii) The siting of offices or sheds.
- (ix) Any action leading to the impact on tree health or structure.
- (e) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.
- (f) All work undertaken within or above the TPZ must be:
  - (i) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
  - (ii) Supervised by a Project Arborist (minimum AQF Level 5).

**Reason**

To ensure the protection and ongoing health of trees.

**(13) PROTECTION OF SURVEY INFRASTRUCTURE**

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

**Reason**

To protect survey infrastructure.

**(14) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of:

- (i) 20 Stokes Avenue, Alexandria
- (ii) 30-32 Bowden Street, Alexandria
- (iii) 25-27 McCauley Street, Alexandria
- (iv) 23 McCauley Street, Alexandria
- (v) 21 McCauley Street, Alexandria
- (vi) 19 McCauley Street, Alexandria

(and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

#### UPON COMPLETION OF EXCAVATION/DEMOLITION

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

#### **Reason**

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

#### **(15) AUSGRID CONDITION - OVERHEAD POWERLINES**

The developer should refer to *SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice*. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

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

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries) Should you have any enquiries, please contact Ausgrid at [development@ausgrid.com.au](mailto:development@ausgrid.com.au) Regards, Ausgrid Development Team

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

#### **(16) RODENT TREATMENT PROGRAMME – PRE-DEMOLITION AND/OR EXCAVATION**

- (a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.
- (b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Coordinator Planning Assessments/Area Planning Manager.

#### **Reason**

To ensure that the potential impact of rodents during the demolition, excavation and construction phase is appropriately managed.

#### **(17) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:
  - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
  - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
  - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.

- (iv) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.
- (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with Council's Guidelines for Hoardings and Scaffolding and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 193 prior to installation.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Guidelines for Waste Management in New Developments 2018, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
  - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (iv) The name and address of the transport contractor.
  - (v) The type and quantity of material to be removed from site.
  - (vi) Location and method of waste disposal and recycling.
  - (vii) Proposed truck routes, in accordance with this development consent.
  - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - (ix) Measures to control noise emissions from the site.

- (x) Measures to suppress odours.
  - (xi) Enclosing and making the site safe.
  - (xii) Induction training for on-site personnel.
  - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
  - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
  - (xv) Disconnection of utilities.
  - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
  - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
  - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
  - (xx) Working hours, in accordance with this development consent.
  - (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
  - (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

**Reason**

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

**(18) PUBLIC DOMAIN WORKS – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993**

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



**Reason**

To ensure relevant approvals for public domain work are obtained.

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

### **(19) COMPLIANCE WITH NATIONAL CONSTRUCTION CODE**

All proposed work must comply with the *National Construction Code (previously known as Building Code of Australia)*.

#### **Reason**

Prescribed condition - EP&A Regulation 2021 clause 69(1).

### **(20) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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

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

## **(21) TREE TRUNK PROTECTION**

The tree/s must be protected in accordance with the Australian Standard AS4970 Protection of Trees on Development Sites. All trees must be protected during the construction works as follows:

- (a) Tree trunk and major branch protection must be undertaken prior to the issuing of the Construction Certificate. The installation of trunk protection must be supervised and certified by the Project Arborist (minimum AQF 5) and must include:
  - (i) Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage;
  - (ii) 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 carpet underlay or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion
  - (iii) 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.

### **Reason**

To ensure the protection and ongoing health of trees.

## **(22) 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 (AQF 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 or 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 five 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 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.

**(23) TREE PRUNING – FURTHER APPROVAL REQUIRED**

Consent from Council's Tree Management Officer must be obtained prior to any tree pruning work being undertaken, including tree roots greater than 40mm in diameter, for any trees located within or adjacent to the site. Only minor pruning works will be approved by Council.

**Reason**

To ensure that pruning works to trees are carried out in an appropriate manner.

**(24) PROTECTION OF NATIVE WILDLIFE**

- (a) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regard to tree pruning, works may only proceed if the animals will not come into direct harm.
- (b) In the event that the tree has nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

**Reason**

To ensure that wildlife is adequately protected during tree removal/pruning works.

**(25) PUBLIC DOMAIN WORKS SECURITY BOND**

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

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

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to the City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**Reason**

To ensure public domain works are completed and any damage to the public domain is rectified.

## **(26) 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.

## **(27) 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 upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights: Public Domain 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, details must be submitted for approval with the public domain plan and additional fees may apply.

### **Reason**

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

## **(28) 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.

## **(29) STORMWATER DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

### **Reason**

To ensure approval of connection into the Council's drainage system is sought.

## **(30) 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.

### **(31) 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.

### **(32) 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.

**(33) 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.

**(34) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

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

**Reason**

To ensure that the archaeology of the site is appropriately managed and protected.

**(35) 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.

- (j) 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.

**(36) 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.

**(37) 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.

**(38) HAZARDOUS AND INDUSTRIAL WASTE**

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997
- (b) Protection of the Environment Operations (Waste) Regulation 2005
- (c) Waste Avoidance and Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2017.

**Reason**

To ensure hazardous/ industrial waste is managed appropriately.

### **(39) 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.

### **(40) 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.

### **(41) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- (a) All works conducted on site which form part of this development must be carried out in accordance with the Demolition, Excavation and Construction Management Plan required by Condition 33.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels.

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

#### **Reason**

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

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

### **(42) 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.

### **(43) 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.

**(44) 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.

**(45) 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.

**(46) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

- (a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
- (b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

**Reason**

To protect underground drainage systems.

**(47) 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.

#### **(48) SURVEY INFRASTRUCTURE – RESTORATION**

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

#### **Reason**

To ensure all requirements for survey mark removal are complied with.

#### **(49) ADVANCE TREE PLANTING**

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

- (a) 13 trees are to be planted at the completion of all construction works.
- (b) The tree species, when mature, must attain a minimum height of no less than eight metres and minimum canopy spread of five metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (c) The tree must be grown in accordance with the Australian Standard 2303 'Trees stock for landscape use'.
- (d) At the time of planting, the container size is to be a minimum of 100 of litres and a minimum height of two metres.
- (e) The tree/s must be planted with adequate soil volume to allow healthy tree maturity to be achieved.
- (f) The tree/s must be appropriately located away from existing buildings and structures to allow healthy tree maturity to be achieved without restrictions.
- (g) The tree must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF).



- (h) The tree/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (i) 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 or Area Planning Manager confirming all trees have been planted to Council's satisfaction (excluding tree maintenance).
- (j) 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.

**(50) 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.

**(51) COMPLIANCE WITH CONTAMINATION ASSESSMENT (AS AMENDED)**

As contained within the Contamination Assessment, ref. 10280.01ATSCA, prepared by Getex, dated 24 January 2023 (Council ref. 2023/229226) and addendum to Contamination Assessment, ref. 10280.01.LTTR, prepared by Getex, dated 20 March 2023 (Council ref. 2023/229225), the following recommendations shall be complied with:

- (a) Within the Construction Environmental Management Plan (CEMP), all construction workers who may come into contact with groundwater during construction are to follow the principles of good personal hygiene. Wash with soap and water after coming into contact with groundwater and before eating, drinking, smoking or going home;
- (b) The basement development that intercepts the groundwater table is to be constructed in accordance with City of Sydney Council Water Management Policy, in particular Groundwater Management, to make sure local groundwater is diverted from, and hence does not inundate, the proposed basement; and

- (c) In light of the bundle of asbestos fibres detected in one soil sample from one location (however within the acceptance criteria), as a precautionary measure Getex recommends that an Unexpected Asbestos Finds Protocol is created and followed for any future bulk excavation on the Site during development. This protocol is to provide guidance should isolated asbestos containing materials be found during bulk excavation.

**Reason**

To ensure the recommendations of the contamination assessment are complied with.

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

### **(52) 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.

### **(53) MAINTENANCE OF TREES ON SITE**

Tree maintenance must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of five metres in height and four metres canopy width.

- (a) The newly planted tree on site must be appropriately maintained on an on-going basis.
- (b) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.
- (c) If the newly planted tree fails to establish or does not reach a height of five metres and canopy spread width of four metres it must be replaced with a tree of comparable qualities and container size of 100 litres.
- (d) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

#### **Reason**

To ensure the ongoing maintenance of trees planted on the site.

### **(54) 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.

**Reason**

To protect the acoustic amenity of surrounding properties.

**(55) FOOD AND DRINK PREMISES – HOURS OF OPERATION**

The hours of operation of the food and drink premises are restricted to between 6.00am and 10.00pm Monday to Sunday.

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

**(56) 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.

**(57) STACKED PARKING EMPLOYEES OR TENANTS ONLY**

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee parking only (not visitor parking), prior to any Occupation Certificate being issued. The moving of stacked vehicles must occur wholly within the property.

**Reason**

To maintain the orderly operation of vehicle parking areas.

**(58) WASTE/RECYCLING COLLECTION – COMMERCIAL**

- (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.

**(59) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**Reason**

To protect neighbouring properties.

**(60) ENCROACHMENTS – PUBLIC WAY**

No gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**Reason**

To protect the public way.

**(61) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

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

**Reason**

To ensure all works to the City's public domain are protected under a liability period.

## **PART G – APPROVED SUBDIVISION**

### **(62) APPROVED SUBDIVISION**

The subdivision must be in accordance with the plan prepared by Registered surveyor Giuseppe John Bottaro titled "Plan of Subdivision of Lot 101 in DP 1238296" reference 12194-9 dated 11 August 2023.

#### **Reason**

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

### **(63) TRANSFER OF LAND & RIGHT OF PUBLIC ACCESS**

- (a) In accordance with the VPA between the Council of the City of Sydney and Smart Design Property Pty Ltd, proposed Lot 202 is to be transferred to the City, or as directed by Council.
- (b) Prior to the issue of any staged or final Occupation Certificate for the new building, an Easement for Public Access of variable width, in stratum, pursuant to Section 88B of the Conveyancing Act, 1919 must be registered on the title of Lot 202 in DP 1238296.

#### **Reason**

To ensure the development complies with all terms of the planning agreement, and current development consents for the site.

### **(64) SYDNEY WATER SECTION 73 CERTIFICATE**

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

A separate Section 73 certificate will not be required for the Stage 2 subdivision dedicating existing lots as public road.

#### **Reason**

For compliance with the Sydney Water Act 1994

#### **(65) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL CAR PARKING**

A documentary Restriction on Use of Land is to be created burdening proposed Lot 201, pursuant to Section 88B of the *Conveyancing Act 1919*, created appurtenant to Council, in terms to the satisfaction of Council, requiring the on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant, tenant or visitor to the commercial lot within the building, with the Council being the authority to release, vary or modify the restriction. The terms of the restriction must also prevent the storage of any boxes or items other than motor vehicles in the parking spaces. This must be completed prior to issue of any occupation or subdivision certificate.

##### **Reason**

To ensure the on-site car parking spaces are not to be used other than by occupants of the building.

#### **(66) STRATA SUBDIVISION – DEVELOPMENT CONSENT**

Any proposal for future strata subdivision will require development consent and therefore the lodgement of a separate development application or complying development application and subsequent approval from Council, or a Registered Strata Certifier, of the Strata Plan – and issue of a Strata Certificate, under the *Strata Schemes Development Act 2015*.

##### **Reason**

To ensure separate development consent is sought for strata subdivision

#### **(67) LAND SUBDIVISION - SUBDIVISION CERTIFICATE**

A separate application must be made online through the Planning Portal, at [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au) to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the Environmental Planning and Assessment Act 1979. Go to the “Post Consent Certificates” section on the website for Subdivision Certificates. It is recommended that the PDF versions of the subdivision, Administration sheets & Section 88B Instrument that are uploaded are between 400 & 600 dpi as these may be digitally signed.

##### **Reason**

To ensure separate development consent is sought for land subdivision and issue of a subdivision certificate.

#### **(68) STREET ADDRESSES OF LOTS**

In accordance with Clause 60(c) of the *Surveying and Spatial Information Regulation 2017*, the street addresses for each lot must be shown on the Administration Sheet for the plan of subdivision. An application should be made to Council's Spatial Information Unit to obtain the correct street address for each lot, and the addresses provided to the registered surveyor.

**Reason**

For compliance with the *Surveying and Spatial Information Regulation 2017*, and to ensure correct addresses are available for emergency service agencies.

**(69) ENCROACHING AND/OR SHARED SERVICES**

If any pipes, ducts, service lines or the like, contained within any lot, encroach upon adjoining lots within the subdivision or adjoining subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the *Conveyancing Act 1919*, over the pipes, ducts, service lines (or similar) where any such encroachment or shared situation occurs.

**Reason**

To ensure the orderly operation of the development.

**(70) ADDITIONAL EASEMENTS**

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

**Reason**

To ensure the orderly development of the property.

**(71) SURVEY**

- (a) AT FOUNDATION STAGE - All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.



- (b) Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying & Spatial Information Act, 2002, confirming that the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks. This survey shall be provided to the Principal Certifier prior to the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site, and is compliant with the setbacks approved under this consent.
- (c) AT COMPLETION - Prior to the issue of any staged or final Occupation Certificate for a part or the whole of the building - a Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building over the external site boundaries or proposed internal boundaries as approved by this consent must be rectified prior to the issue of a staged or final Occupation Certificate for the whole or any part of the building, or suitable easements registered on title.

**Reason**

To ensure the development does not encroach onto neighbouring properties.