

# **Attachment B**

<b>Recommended Conditions of Consent</b>
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## SCHEDULE 1

### CONDITIONS OF CONSENT

#### PART A - GENERAL

##### (1) APPROVED DEVELOPMENT

Development must be in accordance with Development Application No. D/2023/97 dated 16 February 2023 and:

(a) The following architectural drawings prepared by BVN:

Drawing Number	Drawing Name	Revision	Date
AR-DA-A 01A-XX-00	COVER SHEET	07	21/02/24
AR-DA-A 01A-XX-05	BASIX COMMITMENTS	03	21/02/24
AR-DA-A 10A-XX-02	SITE PLAN	09	21/02/24
AR-DA-A 10B-00-00	GENERAL ARRANGEMENT PLAN - LEVEL 00	19	21/02/24
AR-DA-A 10B-01-00	GENERAL ARRANGEMENT PLAN - LEVEL 01	20	21/02/24
AR-DA-A 10B-02-00	GENERAL ARRANGEMENT PLAN - LEVEL 02	18	21/02/24
AR-DA-A 10B-03-00	GENERAL ARRANGEMENT PLAN - LEVEL 03	18	21/02/24
AR-DA-A 10B-04-00	GENERAL ARRANGEMENT PLAN - LEVEL 03 & LEVEL 04	18	21/02/24
AR-DA-A 10B-05-00	GENERAL ARRANGEMENT PLAN - LEVEL 04 & LEVEL 05	18	21/02/24
AR-DA-A 10B-06-00	GENERAL ARRANGEMENT PLAN - LEVEL 05 & LEVEL 06	18	21/02/24
AR-DA-A 10B-07-00	GENERAL ARRANGEMENT PLAN - LEVEL 06 & LEVEL 07	18	21/02/24
AR-DA-A 10B-08-00	GENERAL ARRANGEMENT PLAN - LEVEL 07 & LEVEL 08	18	21/02/24
AR-DA-A 10B-09-00	GENERAL ARRANGEMENT PLAN - LEVEL 08 & LEVEL 09	18	21/02/24
AR-DA-A 10B-10-00	GENERAL ARRANGEMENT PLAN - LEVEL 09 & LEVEL 10	19	21/02/24
AR-DA-A 10B-11-00	GENERAL ARRANGEMENT PLAN - LEVEL 10 & LEVEL 11	18	21/02/24
AR-DA-A 10B-12-00	GENERAL ARRANGEMENT PLAN - LEVEL 11 & LEVEL 12	18	21/02/24
AR-DA-A 10B-13-00	GENERAL ARRANGEMENT PLAN - LEVEL 13	18	21/02/24
AR-DA-A 10B-14-00	GENERAL ARRANGEMENT PLAN - LEVEL 14	14	21/02/24

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Revision</b>	<b>Date</b>
AR-DA-A 10C-XX-00	ELEVATIONS	07	21/02/24
AR-DA-A 10C-XX-01	ELEVATIONS	05	03/11/23
AR-DA-A 10C-XX-02	ELEVATIONS	06	21/02/24
AR-DA-A 10C-XX-03	ELEVATIONS	06	21/02/24
AR-DA-A 10C-XX-04	ELEVATIONS	05	03/11/23
AR-DA-A 10D-XX-00	SECTIONS	08	21/02/24
AR-DA-A 10D-XX-01	SECTIONS	06	21/02/24
AR-DA-A 10D-XX-02	SECTIONS	06	21/02/24
AR-DA-A 10D-XX-03	SECTIONS	07	21/02/24
AR-DA-A 10D-XX-10	SECTIONS - CLIFF FACE - SHEET 1	02	03/11/23
AR-DA-A 10D-XX-11	SECTIONS - CLIFF FACE - SHEET 2	01	03/11/23
AR-DA-A 19T-XX-35	COMPLIANCE - DDA AND LIVABLE UNITS	03	01/02/23
AR-DA-A 19T-XX-40	COMPLIANCE - STORAGE BASEMENT	01	03/11/23
AR-DA-A 19T-XX-50	COMPLIANCE - PLENUM DETAILS	01	03/11/23
AR-DA-A 19T-XX-55	COMPLIANCE - SCREEN DETAILS - SHEET 01	01	03/11/23
AR-DA-A 19T-XX-56	COMPLIANCE - SCREEN DETAILS - SHEET 02	01	03/11/23
AR-DA-A 19T-XX-60	COMPLIANCE - BUILDING INDENT JONES	01	03/11/23
AR-DA-A 19T-XX-61	COMPLIANCE - BUILDING INDENT WATTLE	01	03/11/23
AR-DA-A 19T-XX-70	COMPLIANCE - WEIGHBRIDGE AND SCALE	01	03/11/23
AR-DA-A 19T-XX-80	COMPLIANCE - MATERIAL BOARD - SHEET 01	01	03/11/23
AR-DA-A 19T-XX-81	COMPLIANCE - MATERIAL BOARD - SHEET 02	01	03/11/23
AR-DA-A 19T-XX-82	COMPLIANCE - MATERIAL BOARD - SHEET 03	01	03/11/23
AR-DA-A 19T-XX-83	COMPLIANCE - MATERIAL BOARD - SHEET 04	01	03/11/23
AR-DA-A 31E-XX-03	CARPARK RAMP	05	03/11/23
AR-DA-A 31E-XX-05	CAR AND BICYCLE PARKING	01	03/11/23
AR-DA-A 21B-00-00	DEMOLITION PLAN	04	01/02/23

(b) The following stratum subdivision plans

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Revision</b>	<b>Date</b>
Sheet 1 of 11	Location Plan	B	7/11/2023
Sheet 2 of 11	Level 00 & Below	B	7/11/2023
Sheet 3 of 11	Level 01	B	7/11/2023
Sheet 4 of 11	Level 02	B	7/11/2023
Sheet 5 of 11	Level 03	B	7/11/2023
Sheet 6 of 11	Level 04	B	7/11/2023
Sheet 7 of 11	Level 05	B	7/11/2023
Sheet 8 of 11	Levels 06 & 07	B	7/11/2023
Sheet 9 of 11	Level 08 & Above	B	7/11/2023
Sheet 10 of 11	Section A-A	B	7/11/2023
Sheet 11 of 11	Section B-B	B	7/11/2023

(c) The following reports and certificates:

- (i) Acoustic Impact Assessment, prepared by Stantec, dated 1 November 2023 and addendum letters relating to courtyard bedrooms (dated 13 October 2023), podium terraces (dated 28 August 2023) and garbage chute design (dated 1 November 2023);
- (ii) Detailed Natural Ventilation of Apartments in Noisy Environments, prepared by RWDI, dated 17 November 2023 and Detailed Natural Cross Ventilation Analysis, prepared by RWDI, dated 20 February 2024
- (iii) BASIX certificates:
  - Jones St Building Certificate No 1349432M\_03
  - Courtyard Building Certificate No 1349433M\_03
  - Wattle St Building Certificate No 1349085M\_03

and as amended by the conditions of this consent.

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) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) **Building C - Courtyard:** The Plant Room Equipment and Parapet Zone height (and any other structures at Level 13 of Building C – Courtyard) is to be reduced by at least 2m (to a maximum of RL 43.55 (AHD)).
- (b) **Child care centre (simulated outdoor space):** Vegetable gardens or gardening tubs are to be included within the simulated outdoor spaces.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

## **Reason**

To require amendments to the approved plans and supporting documentation following assessment of the development.

## **(3) BUILDING HEIGHT**

The height of each building must not exceed the following RLs (AHD):

- (a) Building A – Retail Pavilion:
  - (i) RL 10.75 (AHD) to the roof
  - (ii) RL 11.05 (AHD) to the parapet wall
- (b) Building B - Jones Street:
  - (i) RL 37.100 (AHD) to the PV array on top of plant and lift overrun
  - (ii) RL 36.600 (AHD) and RL 36.800 (AHD) to the top of plant and lift overrun
  - (iii) RL 35.10 (AHD) to the Level 10 roof
- (c) Building C - Courtyard:
  - (i) RL 43.55 (AHD) to the Plant Room Equipment and Parapet Zone
  - (ii) RL 42.35 (AHD) to the Level 12 roof
  - (iii) RL 39.45 (AHD) to the Level 09 parapet
- (d) Building D - Wattle Street:
  - (i) RL 36.450 (AHD) to the PV array

- (ii) RL 36.250 (AHD) to the Level 11 roof parapet
  - (iii) RL 32.750 (AHD) to the Level 10 roof
  - (iv) RL 30.850 (AHD) to the Level 09 balustrade/planter zone
  - (v) RL 29.550 (AHD) to the Level 09 roof
- (e) Building E - Fig Street:
- (i) RL 37.950 (AHD) to the top of plant and lift overrun
  - (ii) RL 36.350 (AHD) to the Level 10 roof
  - (iii) RL 32.350 (AHD) to the Level 09 roof and RL (AHD) 33.550 to the Level 09 parapet
  - (iv) RL 29.150 (AHD) to the Level 08 roof and RL (AHD) 29.950 to the Level 08 parapet

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.

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

The following applies to Floor Space Ratio (FSR):

- (a) The FSR of the development must not exceed 3.88:1. For the purposes of calculating the FSR, the site area is 12,361m<sup>2</sup> (being the site area of land in Zone MU1 – Mixed Use) and the total Gross Floor Area (GFA) is 47,954m<sup>2</sup> comprising the following components:
- (i) Residential: 27,208m<sup>2</sup>
  - (ii) Commercial: 15,827m<sup>2</sup>
  - (iii) Retail: 426m<sup>2</sup>
  - (iv) Child care centre: 1,810m<sup>2</sup>
  - (v) Recreation centre: 2,683m<sup>2</sup>
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

**Reason**

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

**(5) APPROVED DESIGN ROOF - TOP PLANT**

All roof-top plant and associated equipment must be located within the approved building envelope.

**Reason**

To ensure the constructed development complies with the approved height.

**(6) DESIGN QUALITY EXCELLENCE**

(a) As the proposal has been awarded bonus floor space or height for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:

(i) The design architect(s) comprising BVN is to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;

(ii) The design architect is to have full access to the site and is/ to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;

(iii) Evidence of the design architect's commission must be provided to the Council prior to release of the Construction Certificate.

(b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.

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

**Reason**

To ensure the development maintains design quality excellence throughout all phases of the development.

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

The terms of the planning agreement entered into in accordance with Deferred Commencement Consent D/2019/649 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 for Building B - Jones Street; and

- (b) the subdivision and acquisition of the Transfer Land is required prior to the Occupation Certificate for Building B - Jones Street; and
- (c) The completion of the Jones Street Footpath Works are required prior to the first Occupation Certificate for Building B - Jones Street; and
- (d) The easement for public access is required to be registered no later than before the issue of the Occupation Certificate for Building B - Jones Street.

**Reason**

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

**(8) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD**

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample boards, and specifications prepared by BVN dated 03/11/23.

**Reason**

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

**(9) USE - SEPARATE DA REQUIRED**

No consent is granted or implied for the fit-out or specific use of Building A – Retail Pavilion or the retail tenancy adjoining the commercial lobby at the Jones Street entry to Building E – Fig Street.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for fit-out and use of these and any other retail tenancy.

**Reason**

To require separate consent to be obtained for a use.

**(10) AFFORDABLE HOUSING CONTRIBUTION - ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION**

The Affordable Housing Contribution is as follows:

- (a) Prior to a Construction Certificate being issued and pursuant to Sydney LEP 2012 and the adopted City West Affordable Housing Program, the applicant must pay a monetary contribution towards the provision of affordable housing. The contribution is **\$2,500,245.91**. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.



- (b) To make payment contact Councils Planning Assessment Unit email: [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) who will index the amount, then provide you with written confirmation of the amount payable and details of how to make the payment at the NSW Department of Planning, Industry and Environment.
- (c) Payment can be made either by bank cheque to the value of the required contribution (made in favour of City West Housing Pty Ltd) or alternatively a satisfactory bank guarantee is to be provided to the value of the required contribution. Evidence of payment or lodgement of a bank guarantee must be provided to the Registered Certifier prior to issue of a construction certificate.
- (d) Prior to issue of any Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence to the Principal Certifier that the bank guarantee referred to in (c) above has been redeemed as payment of the contribution.

Note: All affordable housing contribution payments (and lodgement of bank guarantees) for Ultimo-Pyrmont are paid at the NSW Department of Planning, Industry and Environment.

**Reason**

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

**(11) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – WEST 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	\$4,799,539.18
Community Facilities	\$1,464,509.68
Traffic and Transport	\$27,142.56
Stormwater Drainage	nil
<b>Total</b>	<b>\$6,291,191.42</b>

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 – 136.4 for the December 2023.

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.

#### **Reason**

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

### **(12) ALLOCATION FOR CAR WASH BAYS**

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

#### **Reason**

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

### **(13) ALLOCATION FOR VISITOR PARKING**

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of any occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

**Reason**

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

**(14) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

**Reason**

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

**(15) CAR SHARE PARKING SPACES**

Car share parking spaces must be publicly accessible by people who do not occupy the building. The spaces must be retained as common property of the Owners Corporation and must not be sold or leased at any time. The spaces must be made available to car share operators without a fee or charge. The spaces must be well lit and sign posted for use only by car share vehicles.

The car share spaces are to be available at the same time that the building is occupied.

**(16) 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.

**(17) 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 chainages 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.

**(18) 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.

**(19) INTERCOM FOR VISITORS**

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with *Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.*

**Reason**

To maintain the orderly operation of vehicle parking areas.

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

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

**Reason**

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

**(21) SECURITY GATES**

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

**Reason**

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

**(22) SERVICE VEHICLE SIZE LIMIT**

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

**Reason**

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

**(23) SIGNAL SYSTEM**

A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

**Reason**

To maintain the orderly operation of vehicle parking areas.

**(24) SIGNS AT EGRESS**

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

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

**Reason**

To ensure the safety of surrounding pedestrians and cyclists.

**(25) CAPACITY**

The total number of children at the centre at any one time must not exceed 91 per day, with a minimum of 33% of the total number of children being 0-2 year olds.

The total number and age break down is subject to approval by the New South Wales Department of Education and any change to the figures stated above will require the lodgement of a Section 4.55 application to modify this consent to reflect the final numbers approved by DEC.

**Reason**

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

**(26) CHILD CARE DROP OFFS AND PICK UP**

Child care drop off and pick up spaces must be limited in duration to no more than 30 minutes at any one time during the operation hours of the child care centre.

The spaces must be clearly signposted with this time restriction and must not be used as unrestricted parking at any time.

**Reason**

To ensure parking operations associated with the childcare centre do not adversely impact on local traffic movements.

**(27) NSW DEPARTMENT OF EDUCATION**

- (a) A service approval to operate the child care centre must be obtained from the NSW Department of Education prior to commencement of operations at the child care centre.
- (b) Full compliance with any service approval requirements of the NSW Department of Education is required.

**Reason**

To ensure all relevant approvals and licenses are obtained for the approved use prior to the commencement of operation.

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

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

**Reason**

To ensure that approval under the Roads Act is obtained.

**(29) EXTERNAL LIGHTING**

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

**Reason**

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

**(30) AIR CONDITIONERS GENERALLY**

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

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring must be fully concealed.

**Reason**

To ensure the visual impact of air conditioners is minimised.

**(31) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING**

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

**Reason**

To clarify the scope of the consent.

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

Any access doors to enclosures housing building services and facilities, apart from hydrant and sprinkler booster assemblies or Ausgrid substation, must not open over the footway/roadway.

**Reason**

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

### **(33) PUBLIC ART**

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

- (a) The public artwork must be in accordance with UAP Fig & Wattle Streets, Pyrmont Preliminary Public Art Plan, dated September 2023, the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (b) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of any Construction Certificate for above ground works.
- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art> Please contact the Public Art Team at [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

#### **Reason**

To ensure public art is installed to the City's satisfaction.

### **(34) 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.

### **(35) 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.



**(36) SIGNAGE STRATEGY**

A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

**Reason**

To require separate consent to be obtained for a signage strategy.

**(37) SIGNS/GOODS IN THE PUBLIC WAY**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

**Reason**

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

**(38) 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.

**(39) 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.

The subdivision plan must not be finalised by the registered surveyor until such time as the roof, gutters and overhangs on the buildings have been completed. Encroachments by the building at ground floor level upon public roads must be first approved in writing by Council's Area Planning Manager prior to the issue of the subdivision certificate.

**Reason**

To ensure the orderly development of land.

**(40) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED**

A separate application must be made to Council or a Registered Strata Certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes Development Act 2015* for further strata subdivision of the registered stratum lots. Where five years has lapsed from the date of determination of consent D/2023/97, a new development application for strata subdivision will be required, pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**Reason**

To ensure separate approval is obtained for approval of the Strata Plan.

**(41) TELECOMMUNICATIONS PROVISIONS**

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broadband access by ground or satellite delivery. The details must be submitted for the approval of the Registered Certifier prior to a Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

**Reason**

To ensure the development adequately provides for telecommunications.

**(42) WASTE AND RECYCLING MANAGEMENT - GENERAL**

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.

**(43) WASTE – DESIGN OF GARBAGE CHUTES**

The garbage chute located in the northern end of Building B – Jones Street (adjacent to Unit B1.04-09.2) is to be designed in accordance with the details set out in the memorandum titled "14-26 Wattle Street, Pyrmont Garbage Chute and Garbage Disposal Room" prepared by Stantec, dated 12 February 2024. Confirmation of compliance prepared by a qualified acoustic consultant is to be submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works.

## Reason

To ensure that the garbage chute is designed to minimise noise instructions for the adjoining dwellings.

### (44) TREES APPROVED FOR REMOVAL

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

Table 1 – Tree Removal:

Tree No	Species:	Location
1 - 5	<i>Platanus orientalis</i> (Oriental Plane)	On-site
6	<i>Lagerstomia indica</i> (Crepe myrtle)	On-site
7	<i>Celtis sinensis</i> (Chinese Hackberry)	On-site
8 - 11	<i>Platanus orientalis</i> (Oriental Plane)	On-site
12-14	<i>Celtis sinensis</i> (Chinese Hackberry)	On-site
15	<i>Ficus rubiginosa</i> (Port Jackson Fig)	On-site
16 - 21	<i>Celtis sinensis</i> (Chinese Hackberry)	On-site
22	<i>Pittosperum undulatum</i> (Sweet Pittosperum)	On-site
23	<i>Olea europaea</i> (African Olive)	On-site
24 - 30	<i>Celtis sinensis</i> (Chinese Hackberry)	On-site
31	<i>Ficus rubiginosa</i> (Port Jackson Fig)	On-site
32-36	<i>Casaurina cunninghamii</i> (River Oak)	Road Reserve – Fig St
37	<i>Casuarina glauca</i> (Swamp Oak)	Road Reserve – Fig St
38 - 39	<i>Platanus orientalis</i> (Oriental Plane)	Road Reserve – Fig St
48	<i>Tristaniopsis laurina</i> (Water Gum)	Road Reserve – Wattle St
49	<i>Populus simonii</i> (Chinese Poplar)	Road Reserve – Wattle St
50 -51	<i>Melaleuca quinquenervia</i> (Broadleaved Paperbark)	Road Reserve – Wattle St
52	<i>Populus simonii</i> (Chinese Poplar)	Road Reserve – Wattle St
53	<i>Tristaniopsis laurina</i> (Water Gum)	Road Reserve – Wattle St
54	<i>Melaleuca quinquenervia</i>	Road Reserve – Wattle

	<i>(Broadleaved Paperbark)</i>	St
55	<i>Populus simonii (Chinese Poplar)</i>	Road Reserve – Wattle St
56	<i>Koelreutaria paniculata (Golden Rain Tree)</i>	Rail Corridor
97	<i>Syzygium paniculatum (Magenta Cherry)</i>	Rail Corridor
99	<i>Syzygium paniculatum (Magenta Cherry)</i>	Rail Corridor

- (b) All tree removal works must be carried out by an arborist with a minimum AWF Level 3 qualification in arboriculture in accordance with SafeWork's Code of Practice – Amenity Tree Industry.

### Reason

To identify the trees that can be removed.

### (45) TREES THAT MUST BE RETAINED

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

Table 2 – Tree Retention:

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

Tree No	Species:	Location
40 - 47	<i>Platanus orientalis (Oriental Plane)</i>	Road Reserve – Fig St
57 - 58	<i>Koelreutaria paniculata (Golden Rain Tree)</i>	Rail Corridor
59	<i>Tristanopsis laurina (Water Gum)</i>	Rail Corridor
60	<i>Koelreutaria paniculata (Golden Rain Tree)</i>	Rail Corridor
61	<i>Tristanopsis laurina (Water Gum)</i>	Rail Corridor
62	<i>Koelreutaria paniculata (Golden Rain Tree)</i>	Rail Corridor
63	<i>Angophora costata (Sydney Red Gum)</i>	Rail Corridor
64	<i>Callistemon viminalis (Weeping Bottlebrush)</i>	Rail Corridor
65	<i>Angophora costata (Sydney Red Gum)</i>	Rail Corridor
66	<i>Banksia integrifolia (Coast Banksia)</i>	Rail Corridor
67	<i>Eucalyptus punctata (Grey)</i>	Rail Corridor

	<i>Gum</i> )	
68 - 70	<i>Syzygium paniculatum</i> ( <i>Magenta Cherry</i> )	Rail Corridor
71	<i>Angophora costata</i> ( <i>Sydney Red Gum</i> )	Rail Corridor
72	<i>Casuarina cunninghamiana</i> ( <i>River Oak</i> )	Rail Corridor
73 - 75	<i>Syzygium paniculatum</i> ( <i>Magenta Cherry</i> )	Rail Corridor
76	<i>Lophostemon confertus</i> ( <i>Brushbox</i> )	Rail Corridor
77 - 80	<i>Casuarina cunninghamiana</i> ( <i>River Oak</i> )	Rail Corridor
81 - 82	<i>Angophora costata</i> ( <i>Sydney Red Gum</i> )	Rail Corridor
83	<i>Banksia integrifolia</i> ( <i>Coast Banksia</i> )	Rail Corridor
84	<i>Polyscias elegans</i> ( <i>Celery Tree</i> )	Rail Corridor
85 - 86	<i>Angophora costata</i> ( <i>Sydney Red Gum</i> )	Rail Corridor
87	<i>Melaleuca styphelioides</i> ( <i>Prickly Paperbark</i> )	Rail Corridor
88 - 89	<i>Angophora costata</i> ( <i>Sydney Red Gum</i> )	Rail Corridor
90 - 109	<i>Syzygium paniculatum</i> ( <i>Magenta Cherry</i> )	Rail Corridor

### Reason

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

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

### (46) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Registered Certifier:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

#### Reason

To ensure the provision of adaptable housing.

### (47) EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building including attachments must comply with the relevant requirements of the *Building Code of Australia*. Prior to the issue of a Construction Certificate and Occupation Certificate the Registered Certifier and the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the BCA; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

#### Reason

To ensure the external walls and cladding comply with relevant requirements.

### (48) 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.

Car Parking Type	Number
Residential spaces	147
Accessible residential spaces	36
Residential visitor spaces	5
Office and business parking	19
Accessible office and business parking	1

<b>Car Parking Type</b>	<b>Number</b>
Child care (staff and drop-off) visitor parking	10
Child care (staff and drop-off) / visitor accessible parking	2
Car share parking (residential)	2
Car share parking (commercial)	1
<b>Subtotal</b>	<b>223</b>
Motorcycle parking	20
Small Rigid Vehicle loading dock(s)	3
Medium Rigid Vehicle loading dock(s)	2
<b>Total</b>	<b>248</b>

### **Reason**

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

### **(49) 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>
Residential	256	Spaces must be a class 1 bicycle locker [1] or class 2 bicycle rails
Residential visitor	26	Spaces must be Class 2/3 bicycle rails
Non-residential	110	Spaces must be Class 2 bicycle facilities
Non-residential visitor	52	Spaces must be Class 2/3 bicycle rails
<b>End of Trip Facility Type</b>	<b>Number</b>	
Showers with change area	16	
Personal lockers	164	

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.

#### Notes:

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

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the 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.

**(50) CAR SHARE SPACES**

- (a) A minimum of 3 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised plan showing these spaces must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge and be accessible to members of the car share scheme at all times.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The car share spaces are to be available at the same time that the car park commences operation.

**Reason**

To ensure car share spaces are provided within the development are maintained as common property.

**(51) 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.



**(52) DRIVEWAY DESIGN**

The width of the car park driveway across the footpath Wattle Street is to be reduced to 6m at the property boundary. Details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

**Reason**

To minimise the impact of driveways on pedestrian safety.

**(53) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

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

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

**Reason**

To ensure that construction is appropriately managed.

**(54) 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.

**(55) HERITAGE INTERPRETATION WORKS**

- (a) The approach to heritage interpretation of the site as outlined in the report titled "Wattle Street Pymont Response to Site Interpretation", prepared by Paul Davies dated November 2023, is to be developed further, with detailed information related to the location, materiality, design, text, images, and content submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works. The details of the interpretation works required are to include:
  - (i) Works within the recreation centre;
  - (ii) Works within the landscape area;

- (iii) Details of the new and existing steel structure supporting and related to the reused steel trusses;
  - (iv) Details of the reuse of stone blocks and the Council sign;
  - (v) Details of the fixings of the steel plates to the stone wall; and
  - (vi) Details of the enclosure of the weighbridge scales within the recreation centre.
- (b) The approved interpretation works are to be implemented and installed must be implemented and installed to the satisfaction of Council's Area Planning Manager prior to the issue of an Occupation Certificate for the site or the part of the site in which the works are located.

**Reason**

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

**(56) ACOUSTIC AND VENTILATION REPORT**

The recommendations outlined in the following reports are to be implemented, with a detailed confirmation of compliance prepared by a qualified wind engineering consultant and acoustic consultant submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works:

- (a) "Detailed Natural Ventilation Of Apartments In Noisy Environments" (Ref: RWDI #22065570), prepared by RWDI, dated 17 November 2023 as amended by the report titled "Detailed Natural Cross Ventilation Analysis" (Ref: RWDI # 2206557), prepared by RWDI, dated 20 February 2024; and
- (b) "14-26 Wattle Street, Pyrmont - Acoustic Impact Assessment", prepared by Stantec, dated 1 November 2023.

**Reason**

To provide a reasonable standard of natural ventilation and acoustic amenity.

**(57) PEDESTRIAN WIND STUDY**

The recommendations outlined in the reports titled "14-26 Wattle Street Pedestrian Wind Study" (Ref: RWDI # 2206557), prepared by RWDI Australia Pty Ltd dated 31 January 2023 and "14-26 Wattle Street, Pyrmont, Sydney Review of Updated Drawings" (RWDI Reference #2206557), prepared by RWDI Australia Pty Ltd dated 31 October, 2023 are to be implemented, with a detailed confirmation of compliance prepared by a qualified wind engineering consultant submitted for the approval of Council's Area Planning Manager prior to the issue of the Construction Certificate for construction works.

## (58) SITE AUDIT STATEMENT

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

[hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au)

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

### Reason

To ensure that the site is appropriately remediated.

## (59) 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 design must be generally in accordance with the Stage 2 DA Landscape Design Report, Rev F by Oculus dated 20/02/24 and the Stage 2 Development Application drawing package, Rev 2 by Oculus, dated 20/02/24. The drawings 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) Minimum 1 BBQ to be incorporated into the communal space adjacent to the swimming pool;

- (iv) Full details of steel heritage interpretation structure, including its construction, use (as appropriate) and maintenance requirements. Details of earthworks and soil depths including detailed existing (where appropriate) and proposed 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;
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity;
  - (vi) Details of drainage, waterproofing and watering systems;
  - (vii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) Prior to the issue of an Occupation Certificate, the deep soil area must be constructed as approved on drawing ARDAA 10B0100, Issue 20 by BVN. Where relatively natural soil does not exist, photographic evidence of installation of clean fill, in accordance with approved details, must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager.
  - (c) 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.

**(60) ACCESSIBLE GREEN ROOFS RECOMMENDED**

- (a) A detailed green roof plan 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 design must be generally in accordance with the Stage 2 DA Landscape Design Report, Rev F by Oculus dated 20/02/24 and the Stage 2 Development Application drawing package, Rev 2 by Oculus, dated 20/02/24. The drawings must include:
  - (i) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
  - (ii) A detailed design review of all planters to the edges of roofs that are positioned beyond the balustrade. Where safe and easy access is not practicable, these are to be removed.
  - (iii) Location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.

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

**Reason**

To ensure that the accessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

**(61) DEWATERING - APPROVAL NSW OFFICE OF WATER**

If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

*NOTE: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. permanent dewatering around a development site, because it considers such development to be unsuitable. For this reason any proposed basement or other area that requires dewatering on an on-going basis may need to be fully tanked.*

**Reason**

To ensure dewatering is undertaken appropriately.

## **(62) 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.

## **(63) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES**

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Impact Assessment prepared by Stantec, dated 1 November 2023, ref 301350642 rev. 005, titled 'Acoustic Impact Assessment', Council Ref 2023/633671 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

*Note: Suitably Qualified Acoustic Consultant* means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

### **Reason**

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

**(64) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 980 square metres of asphalt site frontage 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.

**(65) PROTECTION OF STONE KERBS: WATTLE STREET**

- (a) The existing stone kerbs on the Wattle Street frontage of the site are to be retained and properly protected during demolition, excavation and construction works.
- (b) The existing driveway entrance comprising curved trachyte kerb stones is to be retained in its current location, level with the new footway to reflect the historical entrances and use of the site.
- (c) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be reinstalled in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (d) Note the following:
  - (i) All costs associated with the works are to be borne by the developer.
  - (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
  - (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
  - (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
  - (v) Council approval is required before kerbs are removed.

- (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
- (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

**Reason**

To ensure the protection of stone kerbs.

**(66) SURVEY INFRASTRUCTURE IDENTIFICATION AND RECOVERY**

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

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

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

- (a) A copy of any Surveyor- General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report);

or

- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor- General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

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

**Reason**

To ensure the preservation of existing survey infrastructure.

**(67) 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.



The concept plan is to clearly show all frontages and proposed treatments as follows:

- Wattle Street: Concrete pavers and existing trachyte kerbs with infill bluestone kerbs
- Fig Street: Concrete pavers with new bluestone kerbs
- Jones Street: Sawcut insitu concrete footway with concrete kerbs

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan).

**Reason**

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

**(68) PUBLIC DOMAIN LEVELS AND GRADIENTS (WHEN NOT APPROVED AT DA STAGE) MAJOR**

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's Public Domain Manual and submitted with a completed Application for Public Domain Levels and Gradients. Information on how to complete the submission can be downloaded from the City's website at

[https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/da associated works](https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/da%20associated%20works)

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.

**(69) 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:

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage;

- (iv) Council's Stormwater Drainage Manual; and
- (v) All relevant Australian Standards.

This information is available for download from the City's website at

<https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/daaassociatedworks>.

- (b) The following must be incorporated into any documentation submitted for review and approval:
  - (i) Pipe diameters shown on the plan sheets must correspond with the pipe diameters on the longitudinal sections.
  - (ii) Design plans are to incorporate pit pollutant filter inserts for pits within the property boundary as recommended in the design report by Enspire.
  - (iii) The design report by Enspire recommends vacuum trucks park on the verge at the entry ramp to maintain Water Quality Chamber No. 1. Parking on the footway is not permitted. Revised documentation removing the requirement to park on the footway must be submitted.
  - (iv) Stormwater pit B1 is to be a raised "letterbox" style pit with concrete apron and weir to allow ponding to improve inlet capacity.
  - (v) The building adjacent pit B1 is to be suitable waterproofed to a minimum of 150mm above the level of the top of the 300mm high weir.
  - (vi) The outlet pipe from Pit B1 is to be upgraded to minimum 450mm diameter.

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. A Positive Covenant regarding the retention and ongoing maintenance of the 300mm high weir at pit B1 will be required prior to the issue of any occupation certificate.

**Reason**

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

**(70) STORMWATER QUALITY ASSESSMENT**

The development must comply with Section 10 Stormwater Quality Management of the report Design Report Development Application by Enspire dated 16 August 2023 approved with this development application.

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link report dated 17/8/2023.

**Reason**

To ensure appropriate stormwater quality on the site.

**(71) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels indicated in Table 3.2 of the letter 14-26 Wattle Street Pyrmont Stage 2 DA Amended \_Flood Planning Level Letter prepared by BVN, undated.

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.

**(72) 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/publicdomainworks/daassociatedworks>.

The lighting upgrade plan must cover all adjacent street frontages, being Wattle, Fig and Jones Streets and shall be designed to include the following requirements;

- (a) Wattle St (along the development site i.e from incl intersection with Fig St to railway bridge)
  - (i) Lighting compliance with requirements of AS1158 under Category V3 on the roadway and Category PP2 (with minimum 2 lux vertical illuminance) on the footways must be achieved.
  - (ii) Remove Ausgrid street lighting assets (incl associated cabling etc).
  - (iii) Install new COS Smartpoles 9.6m S1B complete with suitable COS's approved standard LED luminaire. Complete with banner arm and high-level GPO. Smartpoles cladding should be the standard anodised silver colour.

- (iv) Lighting design shall demonstrate compliance with intersection lighting at Fig St/Wattle St.
- (b) Fig St (along the development site)
  - (i) Lighting compliance with requirements of AS1158 under Category V3 on the roadway and Category PP2 (with minimum 2 lux vertical illuminance) on the footways must be achieved.
  - (ii) If required, upgrade existing Ausgrid street lighting using network standard LED luminaires. (Submit lighting design/simulation and certificate for existing lighting levels achieved.)
- (c) Jones St (along the development site):
  - (i) Lighting compliance with requirements of AS1158 under Category PR2 on the roadway and Category PP2 (with minimum 1.0 lux vertical illuminance) on the footways must be achieved.
  - (ii) If required, upgrade existing Ausgrid street lighting using network standard LED luminaires. (Submit lighting design/simulation and certificate to confirm existing lighting levels achieved.)

**Notes:**

- Lighting designs certified by a practising lighting engineer must be submitted for COS review and approval before a construction certificate is issued for public domain works. Lighting designs must consist of two parts: illumination design and electrical supply reticulation design. COS can only review electrical reticulation design once it receives the final illumination designs.
- Supply and install a new 3 Phase COS MSB. Developer should carry out ASP discovery and investigation required. Submit MSB shop drawings before construction for COS review.
- Lighting design submission requirements are specified in the "Sydney Streets Technical Specification A5: Street Lighting Design". For instance:
  - Lighting plans should show calculation points as per Australian standards.
  - Calculation plot scale should not be smaller than 1:250 @ A1.
  - Provide a calculation summary table showing all relevant light technical parameters and compliance.
  - Highlight all areas of noncompliance (if any).
  - Comply with the requirements of AS4282 to ensure no unwanted obtrusive lighting impacts.
- All works shall comply with the requirements of all applicable standards and guidelines, including (but not limited to) AS1158, AS4282, and the City of Sydney's A5 and Ausgrid NS119 documents.

- Provide a structural and footing design package, design certificate and construction certificate, which information regarding pier footing, soil assumption, reinforcement details, design data, wind, geotechnical report etc. Engineering design drawing and design certificate of footing for all poles (including poles supplied by GM pole, Vicpole, Smartpole supplied by HUB and any other pole types) shall be submitted to CoS for review prior to commencement of any works.
- Engineering footing design drawings shall state cladding and finishes, all design load parameters, construction notes, holding down bolt embedment depth, compressive strength of non-shrink grout, pier diameter & depth, concrete grade, concrete cover, wind load, pole base reaction forces, pole type, and any other relevant geotechnical design information/assumptions (eg. soil cohesion “Cu” value, soil unit weight, internal friction angle and min. allowable soil bearing capacity etc). (Design calculations may be required by CoS during review stage). Detail of the protection treatment – mortar mix covering etc. for the pole’s baseplate and holding down bolts as per CoS “Sydney Streets Technical Specification” A5, Annexure 6 or 7. Specify in the drawings the minimum required period (eg.7 days) from the date of pouring concrete footing before installation of Streetlight pole/Smartpole. Unless conduct compressive strength test of concrete footing specimens has achieved a minimum compressive strength (eg.20 MPa) before installation of Streetlight pole/Smartpole.
- For footings impacting surrounding existing structural elements, such as retaining walls, basement wall or basement slab etc. The structural adequacy of the affected existing elements shall be certified by a suitable qualified engineer and permission must be obtained by the asset owner of existing element before commencing work.
- Provide certification by a qualified geotechnical engineer to verify the soil parameters against the design assumption on site prior to installation of reinforcement bars and concreting etc.
- Provide final structural engineer certificate by a qualified structural engineer to confirm the footing construction is in accordance with approved design drawing.
- Provide temporary lighting complying with COS public domain lighting specifications prior to the removal of existing public lights.
- Under-awning lighting (if applicable): Provide under-awning lighting in accordance with the COS Awnings Policy and the Sydney DCP. Compliance with AS1158 Category PP1 (plus 2 lux minimum vertical illuminance) is required.
- Proposals for building exterior lighting, signage lighting, and lighting of landscape features need to be assessed under a separate DA.

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.

**(73) 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.

**(74) 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 offsite disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason**

To ensure dewatering is managed appropriately

**(75) VEGETATED SWALE RECOMMENDED**

Prior to the issue of any stormwater approval for the site, an Operation, Maintenance and Monitoring Manual for the vegetated swale and associated stormwater infrastructure shall be submitted for review and approval to the City of Sydney. The Manual shall be prepared by a suitably qualified person in accordance with the City's Engineering Technical Specifications.

The Manual must detail the inspection period, maintenance regime, emergency contacts and note that the Owners Corporation is responsible for the maintenance and any required renewal.

## **(76) FLOOD RISK MANAGEMENT**

- (a) Any material used for the habitable / non-habitable floor level below the respective PMF level shall comply with the flood compatible materials under section 6 – flood compatible materials of the Interim Floodplain Management Policy dated May 2014.
- (b) All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the 1% AEP flood level plus 0.5meter or Probable Maximum Flood level, whichever is the greater. For example, where glass is used, it must be toughened glass to resist the impact of hydraulic forces of floodwaters and impact loading of debris. Details of these works shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. A copy of the approved Certification report shall be provided to the City for record keeping purposes.
- (c) Flood protection is required for all flood events up to and including the minimum flood planning levels applicable to each respective retail space.
- (d) The number and location of flood sensors and flood protection mitigation measures are to be certified by a flood engineer and indicated on the relevant plans. A minimum of two sensors are required to operate the doors (flood barriers) independently and ensure that one or both the sensors activate when required. A sensor must also activate an alarm system (flashing lights) on the exterior of the building and entry point to warn of flooding.
- (e) Flood proofing is to be maintained for the life of the development. The design of the flood proofing is to be certified by a suitable qualified practitioner engineer with experience in flood proofing and is to be compatible with the design of the development set out in this development consent. The certification must ensure compliance with the relevant Australian Standards and codes for structural engineering. The certification must be supplied by the Applicant to the Certifying Authority prior to the issue of any Construction Certificate. A copy of the approved Certification report shall be provided to the City for record keeping purposes.
- (f) All flood protection features requiring power to operate must have alternative backup power source
- (g) All electrical features including power points and other mechanical equipment must be set above the FPL. This must be shown on the detailed plans prior to the issue of the Construction Certificate.
- (h) No toxic or other hazardous materials are to be stored below the respective flood planning level for each respective retail spaces.
- (i) A design certification report prepared by a suitably qualified practitioner engineer demonstrating compliance has been achieved of these requirements above shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate. A copy of the report shall be provided to the City for record keeping purposes.

## **(77) FLOOD EMERGENCY RESPONSE PLAN**

- (a) Flood Emergency Response Plan (FERP) is to be prepared by a suitably qualified flood engineer and be implemented as a positive covenant on the title of the property (and annexed to the positive covenant). The Flood Emergency Response Plan is to be implemented and operated by the building owner and/or Owners Corporation at all times. The FERP is to be reviewed by a suitably qualified flood engineer every five years with regard to the requirements below. Following any amendment, a copy of the FERP is to be submitted to the City for record keeping purposes.
- (b) The Flood Emergency Response Plan must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the building, including (but not limited to) the following:
  - (i) Describe the flood conditions in the vicinity of the site;
    - a. If appropriate, direct persons on the site to seek refuge above the Probable Maximum Flood level for all levels of the building that are flood affected. Shelters in place for flood affected parts of the building is not permissible;
    - b. Include a map directing residents and visitors to a refuge via a flood free pathway within the building;
    - c. Describe the audible and visual alarm system for the basement area, including the linkage of this system to the building management system, details of failsafe operations and alternate power arrangements;
    - d. Provide details (as an appendix) of all proposed flood sensors, their purpose, operation and maintenance (including the frequency of maintenance);
    - e. Provide details of lift design and operation in the event of a flood and specify how the lift will be deactivated in the event of a flood;
  - (ii) Provide details of access to flood free areas for disabled persons;
    - a. Provide details of all flood protection design features of the building (flood doors and the like) and describe their operation, maintenance, repair and replacement arrangements.
    - b. Repairs are to be completed to ensure that the flood doors/gates/barriers remain operational and effective at all times;
    - c. Any pumping equipment used to disperse flood waters should have the same maintenance schedule as the flood doors; and
    - d. Make provision for three monthly testing by the building owner and/or Owners Corporation.



- (c) The building owner and/or Owners' Corporation must enter into a service arrangement by which all identified faults or defects to all flood designed features of the building must be repaired within 24 hours.
- (d) No toxic or other hazardous materials are to be stored below the Flood Planning Level or in the basement levels.
- (e) Prior to the issue of any Construction Certificate, the Flood Emergency Response Plan (FERP) is to be submitted to and approved by Principal Certifying Authority (PCA). A copy of the approved FERP shall be submitted to the City for record keeping purpose.
- (f) Prior to the issue of an Occupation Certificate, the approved Flood Emergency Response Plan and positive covenant relating to the flood protection measures shall be registered with the Land Title office

**(78) 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.

**(79) LETTERBOXES**

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

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

**Reason**

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

**(80) MEDIAN STRIP**

The development's Wattle Street driveway must be physically restricted to a left in left out arrangement.

The central median concept and location must be referred to and agreed to by the Local Pedestrian and Traffic Calming Committee (LPCTCC) and approved from Council prior to the issue of a Construction Certificate. The median must also be approved as part of the Public Domain Plan.

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

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

Note: Referral to the Local Pedestrian, Cycling and Traffic Calming Committee may take a few months and it is recommended that the Traffic Works Plan submission is initiated early in the project.

**Reason**

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

**(81) FLOOR TO CEILING HEIGHT**

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

**Reason**

To ensure an adequate minimum floor to ceiling height to provide an acceptable level of amenity.

**(82) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)**

(a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Registered Certifier demonstrating compliance with the requirements of the *Sydney DCP 2012* in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.

(b) In the preparation of the report:

- (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
- (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and

- (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to any Occupation Certificate being issued, a Compliance Certificate from a qualified, practising acoustic engineer must be submitted to the satisfaction of the Principal Certifier, certifying compliance with the condition.

**Reason**

To ensure an appropriate level of acoustic amenity inside apartments.

**(83) VENTILATION SECURITY AND WEATHER PROTECTION**

All habitable rooms must have a combination of openable sashes and/or louvres that ensure a minimum Effective Openable Area (EOA) for ventilation purposes as required by the NCC and the Apartment Design Guide (ADG) when opened to the maximum dimension permitted under the NCC provisions for *Protection of Openable Windows*.

The sashes and/or louvres must provide the minimum EOA under most wet weather conditions and must also be securable to prevent unauthorised entry when open. The minimum EOA must be provided in addition to any external doors as these cannot be adequately weather-protected or secured when left partially open. A reduction for fly screens must be taken into consideration to account for any future installation.

The method of measurement must be in accordance with the definition of EOA as defined by the Apartment Design Guide, which is:

*'the minimum area of clear opening of a window that can take part in providing natural ventilation. The effective openable area of a sliding or hung sash window can be measured in elevation. Hinged windows such as casement, awning and hopper windows may measure the diagonal plane from the sash to the jamb and add the triangles at either end up to a total area of the window opening in the wall. Obstruction within 2m of a window reduce the effective openable area as measured in elevation. Fly screens and security screen will reduce the effective openable area by half.'*

- (a) Prior to the issue of a Construction Certificate, the following details of the proposed fenestration must be submitted to, and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager:
  - (i) Detailed elevation drawings and a window schedule which show the size, type and location of all openable sashes / louvres in relation to the floor area served by those sashes;
  - (ii) Details of any proposed insect screens or other barriers to free air flow;
- (b) Evidence that all fenestration details shown in the approved drawings described in part (a) above have been completed is to be provided to the Principal Certifier prior to any Occupation Certificate being issued.

### **Reason**

To ensure adequate ventilation to provide an acceptable level of amenity.

## **(84) CONSTRUCTION AND FITOUT OF FOOD PREMISES**

The construction, fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 Design, Construction and Fit-out of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website [www.standards.com.au](http://www.standards.com.au).

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au) or by visiting the website [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

### **Reason**

To ensure the construction, fitout and finishes of the food premises comply with relevant standards.

## **(85) FOOD PREMISES – DETAILED PLANS**

- (a) Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment* under the *Food Act 2003* and AS 4674 - *Design, Construction and Fit-out of Food Premises*.
- (b) Prior to the issue of a Construction Certificate the plans required by (a) of this condition must be submitted to and approved in writing by the Registered Certifier.

### **Reason**

To ensure all areas associated with the food business comply with relevant standards.

## **(86) FOOD PREMISES – ADDITIONAL MECHANICAL VENTILATION REQUIREMENTS**

- (a) The cooking appliances require an approved air handling system designed in accordance with AS1668.1 - *The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings* and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and must incorporate the following:
  - (i) The discharge exhaust air must be directed in a vertical, or near vertical direction above the roof, and

- (ii) The cooking appliances must not burn any charcoal, wood or other solid fuel.
- (b) Details of the proposed system must be submitted to and approved by Council's Health and Building Unit in writing prior to the issue of a Construction Certificate.

**Reason**

To ensure the cooking appliances comply with relevant standards and do not cause a nuisance or air pollution affecting neighbouring properties.

**(87) ADDITIONAL REQUIREMENTS ON PLANS – SINKS AND HAND WASH BASINS**

Prior to the issue of Construction Certificate, amended scale plans confirming the position of all sinks and hand wash basins within the food premises must be submitted to and approved by Council's Health and Building Unit. The location and accessibility of sinks and hand wash basins must comply with the requirements of *AS4674 Design, Construction and Fit-out of Food Premises* and *Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment*.

**Reason**

To ensure sinks and hand wash basins comply with relevant standards.

**(88) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

**Reason**

To ensure the ventilation complies with relevant standards.

## **(89) ELECTRICITY SUBSTATION**

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

### **Reason**

To ensure that the provision of a substation to service the development is appropriately incorporated into the design of the building in a manner that minimises streetscape impacts.

## **(90) TELECOMMUNICATIONS IN NEW DEVELOPMENTS**

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Registered Certifier that arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

### **Reason**

To ensure the development adequately provides for telecommunications.

## **(91) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

**Reason**

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

**(92) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) A Waste and Recycling Management Plan, which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, is to be approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (b) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction 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) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
  - (vi) 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. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.



#### UPON COMPLETION OF THE DEVELOPMENT

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

#### **Reason**

To ensure that waste and recycling is appropriately managed.

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

- (a) A Waste and Recycling Management Plan including demolition and construction waste and recycling details, is to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*.
- (b) The Waste and Recycling Management Plan must include:
  - (i) 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. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.
  - (ii) All nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by Council's *Guidelines for Waste Management in New Developments 2018*.

#### UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

#### **Reason**

To ensure that waste and recycling is appropriately managed.

**(94) SUBDIVISION PLAN – SOME COMPONENTS PRIOR TO CONSTRUCTION CERTIFICATE**

- (a) Prior to the issue of any approval for demolition or Construction Certificate, the initial boundary definition survey work necessary for the preparation of the subdivision plan redefining the boundaries of the subject site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter or email to the Principal Certifier certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.
- (b) A plan or CAD file showing the redefined boundaries shall be provided to the project architect, who shall certify in writing that the proposed buildings as designed will fit within the redefined boundaries, without causing any encroachment of the proposed additions or any overhangs attached to the proposed additions. This written confirmation shall be provided to the Principal Certifier prior to the issue of a Construction Certificate.

**Reason**

To ensure that the buildings do not encroach upon public roads or the light rail corridor.

**(95) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES**

- (a) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:
  - (i) The *Swimming Pools Act 1992* and Regulations.
  - (ii) The swimming pool must have safety barriers installed in accordance with the requirements of AS 1926.1 - 2007 - 'Safety barriers for swimming pools' and AS 1926.2 - 2007 'Location of safety barriers for swimming pools'.
  - (iii) Australian Standards 1926.3 - Water Recirculation and Filtration; and
  - (iv) *Protection of the Environment Operations Act 1997*

**Reason**

To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/ spa area.

**(96) SWIMMING POOL - CONSULTATION WITH AUSGRID**

Ausgrid must be consulted in respect to the location of the proposed swimming pool relative to any overhead electrical wiring within a distance of 9 metres around the pool. Details of consultation with Ausgrid are to be submitted to the Registered Certifier prior to a Construction Certificate being issued.

**Reason**

To ensure consultation with Ausgrid is undertaken where required.

**(97) SWIMMING POOL - WASTE AND OVERFLOW WATERS**

Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Construction Certificate to the satisfaction of the Registered Certifier.

**Reason**

To ensure waste and overflow waters are managed appropriately.

- (v) be operated in accordance with Schedule 1 to the Public Health Regulation 2012.

**Reason**

To ensure the public swimming pool is adequately disinfected.

**(98) EXCAVATIONS WITHIN TREE PROTECTION ZONES**

In accordance with Section 10.10 Excavations within Tree Protection Zones within the Aboricultural Impact Assessment Report by Earthscape Horticultural Services dated February 2023, exploratory excavation will be required along the perimeter of the structure or pavement within the TPZ of Trees T40, T41, T42, T43, T44, T45, T46, T47, T89, T95 and T100 to locate the presence of woody roots. Excavations are to be carried by a AQF level 5 arborist using non-destructive excavation techniques within the TPZ to the depth of 800mm or to the depth of proposed foundations.

Tree sensitive construction methods should be used within these areas such as pier and beam footing, suspended slab or floor supported on piers to avoid the severance of roots.

Architectural plans are to be submitted to and approved by Council's Area Planning Manager providing details (including diagrams) of use of tree sensitive construction methods within the TPZ of the above trees as outlined in Section 9.1.6, 9.1.9, 10.11 Alternative Construction Methods, 10.12 Underground Services and 10.13 Pavements of the AIA report prior to the issue of Construction Certificate.

**Reason**

To ensure works are to be carried out in an appropriate manner around existing street trees

**(99) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE (PLAN PRIOR TO CC)**

- (a) A Tree Planting Plan must be submitted and approved by the City's Public Domain Unit prior to the issue 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:
  - (v) Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management.
- OR
- (vi) 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 200Lt 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 issue 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.

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.

**(100) SITE SUPERVISION AND REPORTING**

- (a) An arborist with minimum AQF Level 5 qualification in arboriculture must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
  - (i) Reporting at every second month intervals for the duration of construction;
  - (ii) The installation of tree protection measures prior to the commencement of any construction works;
  - (iii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained as outlined in Section 10.9 Demolition Works within Tree Protection Zones within the AIA report;
  - (iv) During construction of all building works including the footpath and building constructions within TPZ of Trees T40, T41, T42, T43, T44, T45, T46 & T47 (Plane trees – Fig St), level changes and surface drainage within TPZ of Trees T90-T109 (Magenta Cherry) along the rail corridor and the new timber deck and stairs construction within the TPZ/SRZ of Tree T89 (Sydney Red Gum);

- (v) During any excavation and trenching within the Tree Protection Zone as outlined in Section 10.10 Excavations within Tree Protection Zones within the AIA report;
  - (vi) During any landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager at each hold point listed below:
- (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
  - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
  - (iii) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
- (c) A final compliance report must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager prior to the issue of any Occupation Certificate.

**Reason**

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

**(101) TREE MAINTENANCE PLAN AND ANNUAL REPORTING**

- (a) A tree maintenance plan must be submitted for Council approval prior to a Construction Certificate being issued. The plan must include;
  - (i) Type of activities and their methodologies;
  - (ii) Frequency of maintenance;
  - (iii) Qualifications and skill level required to perform each activity.
- (b) The maintenance plan must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of 6 metres and 4 metres canopy width.
- (c) The newly planted tree on site must be appropriately maintained on an on-going basis.
- (d) 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.
- (e) If the newly planted tree fails to establish or does not reach a height of 6 metres and canopy width of 4 metres it must be replaced with a tree of comparable qualities and container size of 100 litres.

- (f) 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.

## PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

### (102) DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS

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

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

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

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

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

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

Subsequent remediation of the site must be undertaken in accordance with the *Managing Land Contamination – Planning Guidelines* (Department of Urban Affairs and Planning 1998) and the *State Environmental Planning Policy (Resilience and Hazards 2021)* including notification to Council's Area Planning Manager at the start and completion of land remediation.

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

#### **Reason**

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



### **(103) UNDERGROUND PETROLEUM STORAGE SYSTEM – DECOMMISSIONING REPORT**

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

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

The decommissioning report must contain:

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

#### **Reason**

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

### **(104) HAZARDOUS MATERIALS SURVEY REQUIRED**

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

### **Reason**

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

## **(105) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, 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 prior to the installation of such devices.

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

### **Reason**

To ensure appropriate approvals are sought for operating hoisting devices.

## **(106) 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 1993 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.

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

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of buildings at 280 and 282-318 Jones Street and 28–48 Wattle Street (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.

## **(108) DILAPIDATION REPORT – LIGHT RAIL CORRIDOR**

Subject to the receipt of permission of the affected landowner, a dilapidation report of adjoining structures associated with the light rail are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier:

- (a) Prior to the commencement of demolition/excavation works; and
- (b) On completion of construction demolition/excavation works.

### **Reason**

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

## **(109) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifier.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
  - (i) existing site contours;
  - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;

- (iii) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

**Reason**

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.

**(110) 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.

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

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

**Reason**

To ensure relevant approvals for public domain work are obtained.

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

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;

- (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
- (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
- (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

### **Reason**

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

### **(113) OTHER APPROVALS**

Any activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the *Local Government Act 1993* and/or Section 138/139 of the *Roads Act 1993* prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:

- (a) installation of construction-related temporary structures including hoardings/scaffolding;
- (b) installation and/or alterations to advertising/business signs;
- (c) installation and/or alterations to street awnings;
- (d) crane operation and other hoisting activities;
- (e) temporary works (e.g. barricading, road openings, mobile hoisting devices);
- (f) works zones (for loading and unloading from the roadway); and
- (g) temporary ground anchoring and shoring to support a roadway when excavating; and
- (h) any other structure or encroachment including facade elements/architectural features.

**Reason**

To ensure use of a public place is managed appropriately.

**(114) 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
40	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	6.6
41	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	5.0
42	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	3.4
43	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	5.0
44	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	5.0
45	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	6.0
46	<i>Platanus x hybrida</i> (London Plane)	Road reserve – Fig St	7.0
47	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	6.0
57 - 58	<i>Koelreutaria paniculata</i> (Golden Rain Tree)	Rail Corridor	4.5



59	<i>Tristaniopsis laurina</i> (Water Gum)	Rail Corridor	2.2
60	<i>Koelreutaria paniculata</i> (Golden Rain Tree)	Rail Corridor	5.0
61	<i>Tristaniopsis laurina</i> (Water Gum)	Rail Corridor	4.0
62	<i>Koelreutaria paniculata</i> (Golden Rain Tree)	Rail Corridor	5.0
63	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor	4.0
64	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rail Corridor	5.4
65	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor	5.5
66	<i>Banksia integrifolia</i> (Coast Banksia)	Rail Corridor	3.0
67	<i>Eucalyptus punctata</i> (Grey Gum)	Rail Corridor	7.0
68-70	<i>Syzygium paniculatum</i> (Magenta Cherry)	Rail Corridor	4.5
71	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor	4.0
72	<i>Casuarina cunninghamiana</i> (River Oak)	Rail Corridor	7.6
73 - 75	<i>Syzygium paniculatum</i> (Magenta Cherry)	Rail Corridor	5.0
76	<i>Lophostemon confertus</i> (Brushbox)	Rail Corridor	3.0
77 - 80	<i>Casuarina cunninghamiana</i> (River Oak)	Rail Corridor	6.0
81 - 82	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor	3.0
83	<i>Banksia integrifolia</i> (Coast Banksia)	Rail Corridor	2.0
84	<i>Polyscias elegans</i> (Celery Tree)	Rail Corridor	2.0
85 - 86	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor	3.0
87	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	Rail Corridor	3.0
88 - 89	<i>Angophora costata</i> (Sydney Red Gum)	Rail Corridor	7.5
90 - 96	<i>Syzygium paniculatum</i> (Magenta Cherry)	Rail Corridor	5.0
100 - 109	<i>Syzygium paniculatum</i> (Magenta Cherry)	Rail Corridor	5.0

Note: The work within the TPZ and installation of tree protection measures is only applicable within the subject development site and the public domain.

- (c) Ground surface protection must be installed if construction access is required through any TPZ where the existing ground surface material is not a hard surface or paving. The ground protection must be:
  - (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
  - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (d) The following works must be excluded from within any TPZs:
  - (i) Excavation;
  - (ii) Soil cut or fill including trenching;
  - (iii) Soil cultivation, disturbance or compaction;
  - (iv) Stockpiling, storage or mixing of materials;
  - (v) The parking (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 with a minimum AQF Level 5 qualification in arboriculture and written approval is obtained from Council's Tree Management Officer before its implementation; and
  - (ii) Supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

**Reason**

To ensure the protection and ongoing health of trees.

## **(115) STREET TREE PRUNING AND REMOVAL**

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

Note: any tree supported to be removed within the rail corridor must first seek permission from Transport NSW

### **Reason**

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

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

### **(116) 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.

### **(117) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

**Reason**

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

**(118) 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.

**(119) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

**Reason**

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

## **(120) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the standard hours of construction work specified in this consent.
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

### **Reason**

To protect the amenity of the surrounding area.

## **(121) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

### **Reason**

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

## **(122) DISCHARGE OF CONTAMINATED GROUNDWATER**

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

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

### **Reason**

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

### **(123) IMPORTED FILL MATERIALS**

All fill imported onto the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

#### **Reason**

To ensure that imported fill is not contaminated.

### **(124) LAND REMEDIATION (Where Site Auditor engaged)**

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by JBS\*G dated 9 October 2019, reference number 55900-122315 (Rev 2) Council ref: 2023/085364) and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Rebeka Hall dated 16 October 2019 and Council reference 2023/085363. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

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

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

#### **Reason**

To ensure that the site is appropriately remediated.



### **(125) 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.

### **(126) STOCKPILES**

- (a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.
- (b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

#### **Reason**

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

### **(127) SURVEY**

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

#### **Reason**

To ensure the development does not encroach onto neighbouring properties.

### **(128) 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.

### **(129) EROSION AND SEDIMENT CONTROL**

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period:-

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

#### **Reason**

To ensure no substance other than rainwater enters the stormwater system and waterways.

### **(130) 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.

### **(131) 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.

### **(132) 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.

### **(133) COMMON PROPERTY MUSIC PRACTICE ROOM - ACOUSTIC REQUIREMENTS**

The Music Practice Room (music room) must remain common property and be provided and maintained for the use of all residents and achieve the following acoustic requirements:

- (a) . The ceiling must have an airborne sound insulation rating equal to or greater than  $RW + Ctr$  of 58. In this instance, to prevent flanking paths for noise, the walls and ceiling must meet the deemed to satisfy provisions F5.5 (e) and F5.5 (f) of the Volume One (Class 2-9) of the National Construction Code.
- (b) Music Room door systems (door, frame & seal) must achieve an airborne sound insulation rating of  $Rw$  45, and windows (combined glass frame and seal) must achieve an  $Rw$  40. Windows to the façade of a building must be of minimum necessary dimensions, per the requirements of the Building Code of Australia. Access doors must be to common property accessible by all building occupants.
- (c) The floor is to be carpeted.

### **Reason**

To ensure the acoustic amenity of surrounding residential uses is maintained.

**(134) 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 this consent, once approved by Council.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

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

**Reason**

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

**(135) 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.

**(136) 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.

**(137) 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/detailed-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.

**(138) 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/d-a-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.

**(139) 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 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.

**(140) 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.

#### **(141) COMPLIANCE WITH ARBORIST'S REPORT**

All recommendations Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment Report prepared by Arboricultural Impact Assessment Report prepared by 'Earthscape Horticultural Services' (Report No. 22-069, Version 11, dated 6th February 2023), Addendum [1] (dated 11 October 2023) and Addendum 2 dated 14 February 2024, must be implemented during the demolition, construction and use of the development subject to the following amendment:

- (a) Retain Tree 40 (Oriental Plane Tree)
- (b) Retain Tree 46 (London Plane tree).

During the erection of scaffolding for Tree 40 and Tree 46, Council's Tree Management Officer and the Project Arborist are to inspect the trees prior to any pruning taking place to provide reach joint agreement on specific branches to be pruned and the points that the branches should be reduced to.

##### **Reason**

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

#### **(142) 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 regards 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.

#### **(143) 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 branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture 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 to a height of two metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
  - (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
  - (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
  - (e) Materials or goods, including site sheds, must not be stored or placed:
    - (i) around or under the tree canopy; or
    - (ii) within two (2) metres of tree trunks or branches of any street trees.
  - (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
  - (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within [specify] metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.
  - (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
  - (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

**Reason**

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



#### (144) TREE PRUNING APPROVED

- (a) All pruning must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373-2007 Australian Standard 'Pruning of Amenity Trees'.
- (b) Pruning of Tree T40, T41, T42, T43, T44, T45, T46 and T47 (Plane trees – Fig St) is to be discussed on site with Council's Tree Management Officer and Project Arborist to discuss final pruning amounts as recommended within the Addendum [2] to Arboricultural Impact Assessment Report by Earthscape Horticultural Services dated 14 February 2024.

#### Reason

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

#### (145) TREE SENSITIVE EXCAVATION

Excavation undertaken with the specified distance/s from the trunks of the following trees shall be and dug.

Tree (Root) Protection Zone Schedule:

Tree No	Species	Tree Location	TPZ Radius (m) from Trunk	SRZ (m) from Trunk
40	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	6.6	2.6
41	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	5.0	2.3
42	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	3.4	1.9
43	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	5.0	1.9
44	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	5.0	2.1
45	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	6.0	2.0
46	<i>Platanus orientalis</i> (Oriental Plane)	Road reserve – Fig St	7.0	2.3

47	<i>Platanus orientalis</i> ( <i>Oriental Plane</i> )	Road reserve – Fig St	6.0	2.4
89	<i>Angophora costata</i> ( <i>Sydney Red Gum</i> )	Rail corridor	7.5	2.5
90 - 96	<i>Syzygium paniculatum</i> ( <i>Magenta Cherry</i> )	Rail corridor	5.0	2.2
100 - 109	<i>Syzygium paniculatum</i> ( <i>Magenta Cherry</i> )	Rail corridor	5.0	2.1

(a) Within the SRZ;

- (i) Excavation must not occur within the SRZ (except for trees T89 and Trees T90-96 and T100-109 for localised siting of piers (T89) and construction of drainage swale (T90-96 and T100-109) as detailed within Section 10.9 and 10.10 of the AIA report dated 14 February 2024). If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.

(b) Within the TPZ;

- (i) Tree sensitive excavation, such as small hand tools compressed air or water jetting only must be used. Roots with a diameter equal to or greater than 40mm shall not be severed or damaged unless approved in writing by Council's Tree Management Officer.

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

- (ii) All excavations must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

- (c) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.
- (d) All excavations located within the TPZ must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.
- (e) All root pruning must be undertaken in accordance with the Australian Standard 4373 'Pruning of Amenity Trees' and by an arborist with a minimum AQF Level 3 qualification in arboriculture.

**Reason**

To ensure the protection and ongoing health of trees.

**(146) SYDNEY WATER CERTIFICATE**

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

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

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

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

**Reason**

To ensure the requirements of Sydney Water are met.

**(147) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

**Reason**

To allow adequate vehicular access to the site.

**(148) 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.

**(149) 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.

**(150) 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.

**(151) SET-OUT SURVEYS AND CHECK SURVEYS - PRIOR TO CONSTRUCTION AND DURING CONSTRUCTION**

- (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 check 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.

Advisory note: It is recommended that proposed walls on boundaries are set back a minimum of 20 millimetres to allow for construction tolerances and minimise the risk of encroachment and subsequent costs and delays

**Reason**

To ensure the development does not encroach onto neighbouring properties or public roads.

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

### **(152) 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.

Unimpeded access is to be provided for residential collection vehicles to set down within 10 meters of waste storage area(s) between 6am and 6pm on collection day(s).

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

### **(153) EMERGENCY EVACUATION PLAN PRIOR TO OCCUPATION CERTIFICATE**

Prior to issue of any Occupation Certificate the owner/operator must have in place an emergency evacuation plan that encompasses the requirements of Fire and Rescue NSW and outlines the procedures by which staff will be trained in emergency procedures.

#### **Reason**

To ensure the development can safely accommodate children and staff and operates in accordance with Fire and Rescue NSW requirements.

### **(154) 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.

**(155) 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.

**(156) REGISTRATION OF COVENANT**

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

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

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

**Reason**

To ensure that contamination is appropriately managed.

**(157) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (Building B – Jones Street (Level 04 to Level 10), Building C – Courtyard Building (all levels), Wattle Street Building (Level 02 to Level 10) must be used as permanent residential accommodation only and not for the purpose of a boarding house or hostel, hotel or motel accommodation, serviced apartments, tourist and visitor accommodation or the like, other than in accordance with the *Sydney Local Environmental Plan 2012*.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from “residential accommodation” pursuant to *Sydney Local Environmental Plan 2012*. The covenant is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier. The covenant must contain terms reasonably required by Council and will be drafted by Council’s solicitor, at the cost of the applicant, in accordance with the City’s Fees and Charges.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

**Reason**

To ensure the residential accommodation portion of the site is used for permanent residential purposes.



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

The following conditions apply to car parking:

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

**Reason**

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

**(159) NOTIFICATION OF CONDUCT OF FOOD BUSINESS**

- (a) The use must not commence until the food business has notified Council with their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*.
- (b) An Occupation Certificate must not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

**Reason**

To ensure Council is notified of food business details.

**(160) NON-ROAD FRONTAGE SHOP NUMBERING - EASE OF IDENTIFICATION**

Prior to any Occupation Certificate being issued, shop numbers must be clearly visible at the front of the premises, for ease of identification. Numbering must be maintained so that identification can be made at all times.

**Reason**

To ensure shops can be easily identified.

#### **(161) CONSTRUCTED FLOOR LEVELS**

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of Table 3.2 of the letter 14-26 Wattle Street, Pyrmont – Stage 2 DA Amended\_Flood Planning Level letter prepared by BVN, undated.

##### **Reason**

To ensure the development achieves the required floor levels.

#### **(162) FLOOD RISK MANAGEMENT**

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

##### **Reason**

To ensure flood risk management measures are complied with.

#### **(163) FLOOD PROTECTION FEATURES**

Prior to the issue of any Occupation Certificate, the proposed Flood Protection System including all its features are to be tested by an independent floodplain management consultant, and a report confirming the full operation of the system is to be submitted to and approved by Principal Certifying Authority.

##### **Reason**

To ensure flood risk management measures are complied with.

#### **(164) 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.

### **(165) 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.

### **(166) 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 system.

### **(167) STORMWATER DRAINAGE EASEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate for the development, a drainage easement shall be created in favour of the City for the proposed vegetated swale and associated stormwater infrastructure.

The applicant shall prepare a positive covenant for maintenance, repair and insurance of the proposed easement and stormwater infrastructure. The positive covenant must be registered with the LPI.

#### **(168) POSITIVE COVENANT – FLOOD PROTECTION MEASURES**

- (a) Prior to the issue of an Occupation Certificate, the approved Flood Emergency Response Plan and positive covenant relating to the flood protection measures shall be registered with the Land Title office.
- (b) Prior to the issue of any Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to the City.

The Positive Covenant is to be created in terms indemnifying the City against any claims and damages arising from flooding, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy to which the City is a named party and is to require the maintenance, upkeep and repair of all flood protection measures. Such indemnity is to be transferable to all future owners of the building.

The positive covenant is to list all the flood protection measures installed in the building and record the ongoing obligation of the owners of the building to comply with the Flood Emergency Response Plan required to be submitted and approved under the condition “Flood Emergency Response Plan” in this determination.

#### **(169) 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.

#### **(170) 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.

**(171) BICYCLE PARKING SIGNAGE AND WAYFINDING PLAN**

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

**Reason**

To maintain the orderly operation of vehicle / bicycle parking areas.

**(172) 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 final plan of subdivision. An application must be made to Council's Spatial Information Systems Team by email:

[SpatialInformationSystemsTeam@cityofsydney.nsw.gov.au](mailto:SpatialInformationSystemsTeam@cityofsydney.nsw.gov.au)

prior to the lodgement of the subdivision application, to obtain the correct street address for each lot. The street addresses allocated by Council must be provided to the registered surveyor for inclusion in a schedule on the Administration Sheet. This schedule must be completed by the registered surveyor prior to application for a subdivision certificate. The notation "address not available" in the schedule will prevent the issue of a subdivision certificate.

**Reason**

To ensure street addresses are appropriately allocated, and subsequently issued to the State's emergency services divisions, police departments and postal service.

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

All pipes, service lines and the like servicing each lot shall be contained within their respective lots or, if any service lines encroach upon adjoining lots within or adjoining the 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 service lines where any such encroachment or shared situation occurs.

In particular, the location of any water, sewerage or stormwater drainage lines must be determined and, if necessary, a suitable easement must be created where any such encroachment or shared situation occurs.

Prior to the issue of a subdivision certificate, the surveyor must provide a report (to be submitted with the final plan of subdivision) confirming all such service lines are either located within their respective allotments or will be addressed by an appropriate easement, which will also be shown on the final plan of subdivision.

Whole of lot easements for stratum lots may be utilised if so desired.

**Reason**

To ensure that shared services are formalised on title

**(174) SECTION 88B INSTRUMENT**

Any easements, rights of way, restrictions on the use of land, and positive covenants required as a consequence of the subdivision are to be created pursuant to Section 88B of the *Conveyancing Act, 1919* and to Council's satisfaction.

**Reason**

To ensure any shared rights are formalised on title

**(175) FLOOR SPACE RATIO RESTRICTION**

A Restriction on the Use of Land is to be created burdening each of the lots in the subdivision, limiting the total Gross Floor Area and Floor Space Ratio of the components of the buildings occupying the lots, taken together, to be no more than that permissible for the entire site by the *Sydney Local Environmental Plan 2012*, or the relevant Environmental Planning Instrument in existence at the time.

**Reason**

To ensure the site remains compliant with the provisions of the Sydney LEP 2012 and future planning instruments

**(176) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE -**

AT COMPLETION – Prior to the issue of any staged Occupation Certificate for any of the buildings, a Final Identification Survey prepared and signed 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 and showing offsets in relation to the boundaries of the allotment. Any encroachments of the building including overhangs over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the *Conveyancing Act, 1919*, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any staged or Final Occupation Certificate. Encroachments upon public roads must, if supported, be approved by Council's Area Planning Manager prior to the issue of any staged Occupation Certificate.

For clarity, a final identification survey must be provided to the Principal Certifier prior to each and every staged Occupation Certificate being issued, proving that the building stage is wholly within the boundaries of the site.

A full Identification survey prepared by a registered surveyor, covering the whole site, showing offsets to boundaries, must be provided to the Principal Certifier prior to the issue of the final Occupation Certificate for the site.

Any encroachments of the buildings upon public roads must first be approved in writing by Council's Area Planning Manager prior to the issue of a final Occupation Certificate or Building Information Certificate.

**Reason**

To ensure the orderly development of land, and minimise the risk of encroachments upon public roads occurring

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

### **(177) 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.

### **(178) 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.

### **(179) STACKED PARKING EMPLOYEES OR TENANTS ONLY**

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant 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.

### **(180) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

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

#### **Reason**

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



#### **(181) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

##### **Reason**

To protect neighbouring properties.

#### **(182) ENCROACHMENTS – PUBLIC WAY**

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

##### **Reason**

To protect the public way.

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

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

##### **Reason**

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

#### **(184) CAR PARK VENTILATION**

The car park must be ventilated in accordance with the *National Construction Code (previously known as Building Code of Australia)* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

##### **Reason**

To ensure car park ventilation complies with relevant standards.

#### **(185) NOISE - ENTERTAINMENT**

- (a) The  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.

- (b) The  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (c) Notwithstanding (a) above, the  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:
  - (i) The existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
  - (ii) If the  $L_{Z90, 15 \text{ minute}}$  background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level ( $L_p$ ) of the Tf curve in that octave band shall become that octave's  $L_{Zeq 15 \text{ minute}}$  noise criteria level.
- (d) Notwithstanding (b) above, the  $L_{A1 15 \text{ minute}}$  noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
  - (i) The existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
  - (ii) If the  $L_{Z90, 15 \text{ minute}}$  minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level ( $L_p$ ) of the Tf curve in that octave band shall become that octave's  $L_{Z1 15 \text{ minute}}$  noise criteria level.

Note:  $L_{eq}$ ,  $L_{01}$ , and  $L_{90}$ , metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal  $L_{A90}$  level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External  $L_{A90}$  levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.

### Reason

To protect the acoustic amenity of surrounding properties.

## (186) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfl\)](#) unless agreed to by the City's Area Planning Manager. Further:

- (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An  $L_{Aeq,15 \text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15 \text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
- (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

**Reason**

To protect the acoustic amenity of surrounding properties.

**(187) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE COMMERCIAL PREMISE**

- (a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate commercial premise:
- (i)  $L_{A1, \text{ Slow } 15 \text{ minute}} \leq L_{A90, 15 \text{ minute}} + 3 \text{ dB(A)}$ .

**Reason**

To protect the acoustic amenity of surrounding properties.

**(188) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE RESIDENTIAL PREMISE**

- (a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate residential accommodation:
- (i)  $L_{A1, \text{ Slow } 15 \text{ minute}} \leq L_{A90, 15 \text{ minute}} \text{ dB(A)}$ .

**Reason**

To protect the acoustic amenity of surrounding properties.

### **(189) VIBRATION**

Operation of the use is not to result in the transmission of any perceptible vibration to an occupiable area within a separate premises.

#### **Reason**

To protect the amenity of surrounding properties.

### **(190) 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.

### **(191) SURVEY INFRASTRUCTURE**

- (a) Prior to the issue of the subdivision certificate, any survey reference marks and permanent marks shown on the subdivision that reference the corners of the subject lots, must be replaced to the satisfaction of Council if removed or damaged.
- (b) Survey offsets must be clearly annotated on the subdivision plan to walls, buildings and occupations located within one metre of all existing and proposed boundaries, pursuant to clause 63(e) of the Surveying And Spatial Information Regulation 2017, including fire stairs and lift shafts.
- (c) Survey offsets must be shown from the face of the buildings and significant permanent structures to the Easement for Public Access where the building or major structure is located one metre or less from the easement site. This sub-clause shall not apply to permanent planter boxes located within or near the easement site.

#### **Reason**

To ensure the integrity of the Cadastre

**(192) THROUGH SITE LINK - EASEMENT FOR PUBLIC ACCESS AND POSITIVE COVENANT**

- (a) An Easement for Public Access variable width, unlimited in height, and limited in stratum where covered, must be created pursuant to Section 88B of the Conveyancing Act, 1919 with the subdivision.
- (b) The terms of the Easement for Public Access must be to the satisfaction of Council, and can be provided by the Area Planning Manager upon request.
- (c) A Positive Covenant must be created pursuant to Section 88B of the Conveyancing Act, 1919 with the subdivision, must be created pursuant to Section 88B of the Conveyancing Act, 1919. The terms of the positive covenant must include obligations for maintenance of the above easement site, indemnify Council against loss or damage or liability, and include a requirement for public liability insurance in the amount of \$20 million for any one occurrence.

The terms of the above easements and positive covenant must be to the satisfaction of Council.

**Reason**

To formalise public access to the through site link and provide requirements for maintenance and public liability insurance

**(193) FUTURE STRATA TITLE PARKING SPACES**

All parking spaces other than visitor parking or service spaces must form part of a residential or commercial strata unit in any future strata subdivision of the Lots. No parking spaces or storage spaces are to have their own individual strata title.

**Reason**

To prevent the sale of individual car parking spaces

**(194) BUILDING/STRATA MANAGEMENT STATEMENT**

The Building/Strata Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's satisfaction, and be submitted with the subdivision application. Loading docks, shared driveways and garbage rooms must be covered by suitable easements to the satisfaction of Council, and not be dealt with only by means of an SMS or BMS.

**Reason**

To ensure that the BMS or SMS is adequate and that potentially contentious rights are clearly defined by registered easements on titles

**(195) COMPLIANCE WITH CLAUSE 63 SURVEYING AND SPATIAL INFORMATION REGULATION 2017**

The subdivision plan must show offsets where appropriate to the final surfaces of the major structural components of the building located within one metre of any proposed or existing vertical, horizontal or inclined boundary, sufficient to satisfy clause 63(1)(e) of the Surveying and Spatial Information Regulation 2017 and to the satisfaction of Council.

All structural components of the buildings located within one metre of any proposed or existing boundary must be completed with their final surfaces applied or constructed, prior to the subdivision plan being finalised by the registered surveyor.

**Reason**

To ensure the subdivision shows sufficient information to comply with legislation, inform future land owners and surveyors, and to ensure that encroachments are identified prior to subdivision

## SCHEDULE 2

### PRESCRIBED CONDITIONS

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

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

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

## SCHEDULE 3

### TRANSPORT FOR NSW – CONCURRENCE

TfNSW has reviewed the submitted application and would provide concurrence to the proposed civil works on the Wattle St and Fig St frontages under Section 138 of the Roads Act 1993, subject to Central Sydney Planning Committees approval and the following requirements being included in the development consent

1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth), along the Wattle Street and Fig Street boundary. Shade fins must be located within the property boundary.
2. The construction of the median island on the Wattle Street frontage, stormwater drainage, vehicular crossings and associated works on the Wattle Street and Fig Street shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email at [DeveloperWorks.Sydney@transport.nsw.gov.au](mailto:DeveloperWorks.Sydney@transport.nsw.gov.au).

Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

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

3. A Construction Traffic Management Plan (CTMP) shall be submitted in consultation with the TfNSW Sydney Coordination Office (SCO), TfNSW and Sydney City Council, prior to the issue of a Construction Certificate. The CTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, taking into consideration the cumulative traffic impacts of other developments in the area.
4. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

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

5. All vehicles shall enter and exit the site in a forward direction.
6. If not already in place, "No Stopping" restrictions shall be implemented along the full Wattle Street and Fig Street frontage of the development site at no cost to TfNSW.



7. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
8. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
9. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
10. The proposed development should be designed such that road traffic noise from Wattle Street is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of *State Environmental Planning Policy (Infrastructure) 2007*. As such, prior to the issuing of the Construction Certificate, the developer must demonstrate to Council that road traffic noise from Wattle Street has been mitigated to comply with the above and has regard for the applicable requirements in the NSW Government's *Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008* with applicable requirements being details on the Construction Certificate plans.

## **TRANSPORT FOR NSW – LIGHT RAIL CORRIDOR**

### **1. Freight and Servicing Management**

- (a) A draft Freight and Servicing Management Plan is to be prepared, for an on-site loading dock or shared off-street parking facilities. The Plan needs to specify, but not be limited to, the following:
  - (i) Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
  - (ii) Details of loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business; and
  - (iii) Swept paths of vehicles entering and exiting the loading dock;
  - (iv) Management of queuing along Fig Street as a result of the proposed loading dock arrangement;
  - (v) The details of alternate loading zones to redirect vehicles due to extensive queuing at the access to loading dock;
  - (vi) Management of incidents at the access to the loading dock;
  - (vii) Loading dock management details including measures to minimise freight and service vehicle movements during peak periods;
  - (viii) Management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock; and

- (ix) Management of conflicts between vehicles accessing the loading dock and pedestrian movements along Fig Street.

## 2. Active Transport

- (a) Bicycle facilities are to be located in secure, convenient, accessible areas close to the main entries incorporating adequate lighting and passive surveillance and in accordance with Austroads guidelines.

## 3. Construction Pedestrian and Traffic Management

- (a) A draft Construction Pedestrian and Traffic Management Plan (CPTMP) is to be prepared in consultation with the Sydney Coordination Office within TfNSW and the IWLR operator, as part of any Stage 2 application. The draft CPTMP needs to specify matters including, but not limited to, the following:
  - (i) A description of the development;
  - (ii) Location of any proposed work zone(s);
  - (iii) Location of any crane(s);
  - (iv) Haulage routes;
  - (v) A detailed plan identifying all construction vehicle access arrangements;
  - (vi) Estimated number of construction vehicle movements, including measures to reduce the number of movements during the AM and PM peak periods;
  - (vii) Measures to avoid construction worker vehicle movements within the CBD;
  - (viii) Construction program;
  - (ix) Proposed construction hours;
  - (x) Any potential impacts to general traffic, cyclists, pedestrians and bus and light rail services within the vicinity of the site from the construction of the development;
  - (xi) Cumulative construction impacts of the development, Sydney Light Rail Project,
  - (xii) Sydney Metro City and Southwest and other development. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
  - (xiii) Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

## **AUSGRID**

### **1. Supply of Electricity**

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website  
[www.ausgrid.com.au/about/howtoconnecttoAusgrid'snetwork](http://www.ausgrid.com.au/about/howtoconnecttoAusgrid'snetwork).

### **2. Streetlighting**

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

### **3. Service Mains**

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

## **Proximity to Existing Network Assets**

### **4. Overhead Powerlines**

There are existing overhead electricity network assets in WATTLE STREET PYRMONT.

Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

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

The proposed development may encroach the statutory clearances of nearby powerlines as per the requirements set out in AS7000 and Ausgrid Standard NS220. The developer is required to either:

- Engage an Accredited Service Provider Level 3 (ASP3) to confirm that the development does maintain the statutory clearances to the powerlines (this must include wind impacts). If the ASP3 determines that the proposed structure does encroach the statutory clearances, suitable arrangements must be made to ensure that the structure will not encroach the powerline statutory clearance either by redesign of the encroaching structure or relocation of the powerlines away from the proposed structure.
- Make suitable arrangements to have powerlines relocated prior to the commencement of construction so that statutory clearances are not encroached.

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

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

## **5. Underground Cables**

There are existing underground electricity network assets in WATTLE STREET PYRMONT.

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

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

## **6. Substation**

There are existing out of service electricity substation \$966 within 14 WATTLE STREET PYRMONT. The existing electricity chamber substation may be impacted by the proposed construction. This type of building is susceptible to damage from subsidence or vibration due to nearby excavation or piling, and also due to building materials and machinery coming into contact with the facade of the building. The use of ground anchors under a substation building is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards

including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

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

### **For Activities Within or Near to the Electricity Easement**

#### **7. Purpose of Easement**

This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

#### **The Following Conditions Apply for any Activities Within the Electricity Easement:**

1. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.
2. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.
3. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.
4. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.

5. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.
6. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.
7. All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earth-stake driven at least 1.6 metres into the ground.
8. Metallic fencing is generally not permitted to extend away from the easement site unless an insulating section is installed, at least 3 metres wide. This requirement maybe relaxed upon assessment of a supplied fencing design.
9. No buildings/structures or parts thereof constructed may encroach the easement.
10. No machine excavation is permitted within the easement without Ausgrid's express permission.
11. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
12. Bulk solids (e.g sand and gravels) are not to be stored within the easement area.
13. The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.
14. The proposed finished ground levels within the easement must provide a minimum of 500mm cover to the Low Voltage Cables.
15. Any electrical services and metallic telecoms and metallic piping, whilst installed within easement are not to be run parallel with the overhead electricity mains for a combined total distance greater than 50m per service. Any parallel length greater than this will require additional Ausgrid consent when the services design is determined. Fibre communications cable does and plastic or concrete piping does not need to meet this requirement.

## **SYDNEY WATER**

### **1. Water and wastewater Servicing**

- The water and wastewater system should have adequate capacity to service the proposed development.
- Amplifications, adjustments, and/or minor extensions may be required.

### **2. Recycled Water Servicing**

- Please note that the City of Sydney has plans in place to deliver a recycled water network which will provide most developments within the Sydney CBD with recycled water servicing over the next few decades.
- The proponent should investigate potential reticulated recycled water servicing solutions that may offset potable water demands for irrigation, toilet flushing and

domestic washing machines, as well as air cooling towers. Consideration should also be given for rainwater capture and storm water runoff reduction.

### 3. **Stormwater Servicing**

#### *Building over adjacent to stormwater assets*

- There is a 300mm stormwater main running along Jones St. The proponent will need to refer to Sydney Waters guidelines for building over or adjacent to stormwater assets.

#### *Proposed Adjustment of Sydney Water's stormwater assets*

- As per our available records, the proposed stormwater adjustment works appear to impact following Sydney Water's stormwater assets:
  - Sydney Water's stormwater access chamber in the Jones Street near northern end of the property 282-308 Jones Street, Pyrmont (capping the existing stormwater connection). Existing stormwater connection must be capped at the Sydney Water's manhole (not away from the manhole).
  - Sydney Water's stormwater pipes located within the property boundary at the corner of Jones and Fig Streets (Deviation of Sydney Water's stormwater pipes).
  - The above stormwater deviation and adjustment works are to be carried out according to Sydney Water's requirements as part of the Section 73 application for this development. Further details regarding Sydney Water's requirements can be obtained from Water Servicing Coordinator. Due to the complexity of this works, we strongly advocate that the proponent talks directly to Sydney Water as soon as possible to prevent unnecessary delays.

### **TRANSPORT ASSET HOLDING ENTITY (TAHE)**

1. Prior to the issue of a Construction Certificate the person acting upon this consent is to enter into an Interface Access Deed Poll Agreement with the Rail Infrastructure Manager (Light Rail) to enable the required access to TAHE owned land and Light Rail corridor to carry out any works. In addition to other relevant matters, the Access Deed Poll is to outline, to the Rail Infrastructure Manager's satisfaction, how any removal or changes to structures or landscape beds within TAHE owned areas are to be made good at the cost of the developer and at no cost to TAHE or TfNSW.
2. Prior to the issue of a Construction Certificate the person acting upon this consent is to enter into an Access Licence with TAHE, to permit access at \$1 over the newly created access points. This agreement is to be between TAHE and Developer but must be novated to the Strata Corporation once the Strata Plan is created. Evidence of this Deed being incorporated into the Strata Management Plan must be provided to TAHE's satisfaction prior to the issue of an Occupation Certificate. Please contact TAHE's property representatives at [Property@transport.nsw.gov.au](mailto:Property@transport.nsw.gov.au)
3. All boundary fencing is to be replaced to the satisfaction of the Rail Infrastructure Manager at the cost of the developer and at no cost to TAHE or TfNSW.

4. Any conditions of consent imposed on the associated Development Consent by the rail authority must be complied with.